



## **AGENDA**

### **MEETING CALLED TO ORDER – 5:30 PM**

**WORK SESSION** – Discussion only, no action will be taken.  
LMC Amendments to the HRM District

### **ROLL CALL**

### **ADOPTION OF MINUTES OF JUNE 26, 2013**

### **ADOPTION OF MINUTES OF JULY 10, 2013**

**PUBLIC COMMUNICATIONS** – Items not scheduled on the regular agenda

### **STAFF AND BOARD COMMUNICATIONS/DISCLOSURES**

**CONTINUATION(S)** – Public hearing and continue as outlined below  
Land Management Code – Amendments to Section 15-1-21 Notice Matrix,  
Chapter 2.24, Chapter 9, and Chapter 15  
Public hearing and continuation to September 11, 2013

### **REGULAR AGENDA**

489 McHenry Avenue, Echo Spur – Plat Amendment - PL-12-01629  
Public hearing and possible recommendation to City Council

### **ADJOURN**

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.  
Planning Commission 7.31.2013



# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** LMC Amendment Discussion  
**Author:** Francisco Astorga, Planner  
**Date:** July 31, 2013  
**Type of Item:** Work session – Legislative, LMC Amendments HRM District

## Summary Recommendation

Staff recommends that the Planning Commission provide feedback and input to the possible amendment to the Land Management Code (LMC) for Chapter 2.4 – Historic Residential-Medium Density (HRM) District as described in this report.

## Description

**Project Name:** LMC Amendments Discussion in the HRM District  
**Applicant:** Planning Department  
**Proposal:** Revisions to the Land Management Code

## Background

In order to encourage the rehabilitation of existing historic structures, provide for affordable housing, and create new development along an important corridor that is compatible with historic structures in the surrounding area, as well as being consistent with the rest of the LMC, staff recommends that the Planning Commission provide feedback and input to the following possible LMC amendments in the HRM District.

The HRM District is bifurcated by the Park Avenue street corridor and consists of a diverse mix of residential housing, ranging from historic single family dwellings to multi-unit condominiums.

## General Plan

### **Goal 7: Encourage a diversity of housing opportunities (pg. 7)**

- The City should plan future land use to provide opportunities for a variety of housing types.
- The City should encourage and require private sector participation in providing a portion of housing for employees.

### **Historic Core Policies (pg. 13)**

The designated historic district, which is subject to special design and preservation regulations, best defines the historic core of the City. Citizens feel strongly that the core must continue to provide a range of services for residents, while also functioning as an attraction for tourists. The goal for the historic district is to maintain it as the center of the community, not just as a stage set for tourism. The following policies will help accomplish this goal:

- Keep City and other government offices and services in the downtown, to maintain the function of the historic core as a gathering place. Similarly, concentrate in the historic area certain commercial uses that attract and encourage interaction among local residents (e.g., bookstores, card shops, coffee shops, and post office).
- To maintain commercial viability, promote year-round demand by residents and workers for services, restaurants, entertainment, and similar uses in the core.
- Maintain the historic character of buildings.
- Support programs that make the downtown attractive to potential businesses.
- Promote the continuation and augmentation of a pedestrian-friendly environment in the downtown.
- Work to ensure the continued

### **Historic Core [Actions]** (pg. 15-16)

- Allow expansion of existing residential structures, if such expansion can be made compatible with the integrity of historic structures and the surrounding neighborhood. Similarly, allow the addition of garages to historic structures if the addition can be done in a compatible fashion.

[...]

- Encourage residential development that will provide affordable housing opportunities for residents, consistent with the community's housing, transportation, and historic preservation objectives.

### **Analysis**

#### **Open Space**

LMC § 15-2.4-5(D) indicates that an applicant must provide open space equal to at least sixty percent (60%) of the total site for all triplex and multi-unit dwellings. For Master Planned Developments (MPDs), the LMC requires a minimum of sixty percent (60%) open space and a minimum of thirty percent (30%) open space for redevelopment.

In order to be consistent with the MPD language, Staff recommends exploring the same language for triplex/multi-unit dwellings that are similar to projects in redevelopment areas.

#### **Existing Historic Structures**

LMC 15-2.4-6(A) indicates that in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the building setback for additions to historic buildings upon approval of a Conditional Use Permit (CUP), when the scale of the addition is compatible with the historic structure, and when the addition complies with all other provisions of the HRM District, and applicable Building Codes.

Staff finds that there are some instances that this same exception should apply to new construction within this district, specifically when the project encourages the rehabilitation of existing historic structures and new development that is compatible with historic structures in the surrounding area. Staff is exploring the possibility of having the

Planning Commission reduce the minimum setbacks of new construction upon issuance of a CUP similar to the reduction of setbacks for additions to historic structures. This possible change would only apply to new construction within historic sites only.

### **Affordable Housing**

In order to incentivize affordable housing in the HRM District, the City should explore the possibility of easing some LMC requirements in the HRM to promote affordable housing. Staff recommends exploring the concept of removing the Sullivan Road Access requirements found in LMC § 15-2.4-9 if the development contains 50% or more deed restricted affordable housing units per the Affordable Housing Resolution.

### **Community Ideals**

Staff finds that the proposed changes do not detract from the four (4) community ideals: Sense of Community, Natural Setting, Small Town, and Historic Character; but rather enhance historic preservation and affordable housing, both of which are supported by the City's principles.

### **Green Park Cohousing**

Staff requests to disclose that these changes will indeed affect the current filed CUP application at 1450 /1460 Park Avenue, Green Park Cohousing development, in a positive manner. These possible LMC changes came from various Planning Commission work session deliberations as well as internal discussions within the Park City Planning Department.

### **Summary Recommendation**

Staff recommends that the Planning Commission provide feedback and input to the possible amendment to the Land Management Code (LMC) for Chapter 2.4 – Historic Residential-Medium Density (HRM) District as described in this report.

### **Exhibits**

- Exhibit A - Possible Changes to the HRM District in LMC form
- Exhibit B – HRM District Vicinity Map - North Area
- Exhibit C – HRM District Vicinity Map - South Area

**PARK CITY MUNICIPAL CODE**  
**TABLE OF CONTENTS**  
**TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.4**

---

**TITLE 15 - LAND MANAGEMENT CODE**

**CHAPTER 2.4 - HISTORIC RESIDENTIAL-MEDIUM DENSITY (HRM)  
DISTRICT**

15-2.4-1.	PURPOSE.....	1
15-2.4-2.	USES.....	1
15-2.4-3.	CONDITIONAL USE PERMIT REVIEW.....	2
15-2.4-4.	LOT AND SITE REQUIREMENTS.....	3
15-2.4-5.	SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.....	8
15-2.4-6.	EXISTING HISTORIC STRUCTURES.....	8
15-2.4-7.	BUILDING HEIGHT.....	9
15-2.4-8.	PARKING REGULATIONS.....	9
15-2.4-9.	SULLIVAN ROAD ACCESS.....	10
15-2.4-10.	ARCHITECTURAL REVIEW.....	11
15-2.4-11.	CRITERIA FOR BED AND BREAKFAST INNS.....	12
15-2.4-12.	OUTDOOR EVENTS AND MUSIC.....	12
15-2.4-13.	VEGETATION PROTECTION.....	13
15-2.4-14.	SIGNS.....	13
15-2.4-15.	RELATED PROVISIONS.....	13



**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.4 - HISTORIC RESIDENTIAL - MEDIUM DENSITY**  
**(HRM) DISTRICT**

*Chapter adopted by Ordinance No. 00-51*

**15-2.4-1. PURPOSE.**

The purpose of the Historic Residential Medium Density (HRM) District is to:

(A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,

(B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,

(C) encourage the rehabilitation of existing Historic Structures,

(D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,

(E) encourage Affordable Housing,

(F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and

(G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

**15-2.4-2. USES.**

Uses in the HRM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit<sup>1</sup>
- (5) Accessory Apartment<sup>2</sup>
- (6) Nightly Rental<sup>3</sup>
- (7) Home Occupation

---

<sup>1</sup>Nightly rental of Lockout Units requires a Conditional Use permit.

<sup>2</sup>See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments.

<sup>3</sup>Nightly Rentals do not include the Use of dwellings for Commercial Uses.

- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family<sup>4</sup>
- (10) Child Care, Family Group<sup>4</sup>
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

**(B) CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Group Care Facility
- (4) Child Care Center<sup>4</sup>
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility Service, and Structure
- (7) Telecommunication Antenna<sup>5</sup>
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter<sup>6</sup>
- (9) Bed and Breakfast Inn<sup>7</sup>
- (10) Boarding House, Hostel<sup>7</sup>
- (11) Hotel, Minor<sup>7</sup>
- (12) Office, General<sup>8</sup>

---

<sup>4</sup> See LMC Chapter 15-4-9 for Child Care Regulations

<sup>5</sup> See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

<sup>6</sup> See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>7</sup> Allowed only in Historic Structures or historically Compatible Structures

- (13) Retail and Service Commercial, Minor<sup>8</sup>
- (14) Retail and Service Commercial, personal improvement<sup>8</sup>
- (15) Neighborhood Market, without gasoline sales<sup>8</sup>
- (16) Cafe, Deli<sup>8</sup>
- (17) Café, Outdoor Dining<sup>9</sup>
- (18) Parking Area or Structure with five (5) or more spaces
- (19) Temporary Improvement<sup>10</sup>
- (20) Recreation Facility, Public
- (21) Recreation Facility, Private
- (22) Outdoor Events<sup>10</sup>
- (23) Fences greater than six feet (6') in height from Final Grade<sup>10</sup>

**(C) PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

*(Amended by Ord. Nos. 06-69; 09-10)*

**15-2.4-3. CONDITIONAL USE PERMIT REVIEW.**

The Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the

---

<sup>8</sup> Allowed only in Historic Structures

<sup>9</sup> Requires an Administrative Conditional Use permit. Allowed in association with a Café or Deli

<sup>10</sup> Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

Design Guidelines for Park City’s Historic Districts and Historic Sites. The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as well as the following:

- (A) Consistent with the Design Guidelines for Park City’s Historic Districts and Historic Sites.
- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.
- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.
- (E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

(F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

(G) Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.

(H) All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

*(Amended by Ord. No. 06-69; 12-37)*

**15-2.4-4. LOT AND SITE REQUIREMENTS.**

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** Minimum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at

least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3, Conditional Use Permit Review.

(B) **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') from the Front Lot Line. Existing platted Lots of record, with a minimum width of at least twenty five feet (25'), are considered legal Lots in terms of Lot Width. In the case of unusual Lot configurations, Lot Width measures shall be determined by the Planning Director.

(C) **FRONT YARD.**

(1) The minimum Front Yard for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet (75') or less, then the minimum Front Yard is ten feet (10').

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.

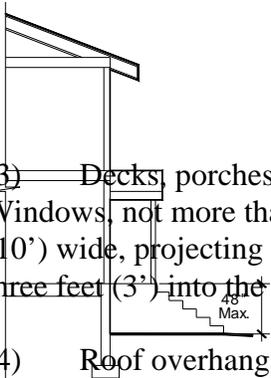
(3) See Section 15-2.4-5 for special requirements for Triplexes and Multi-Unit Dwellings.

(D) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

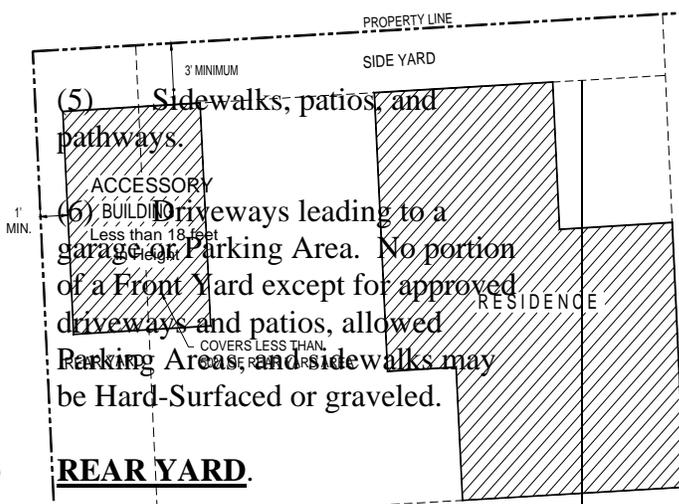
(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.



(4) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

Front Yard

← →



(E)

**REAR YARD.**

(1) The minimum Rear Yard is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.

(2) See Section 15-2.4-5, Special Requirements for Multi-Unit Dwellings.

(F) **REAR YARD EXCEPTIONS.**

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

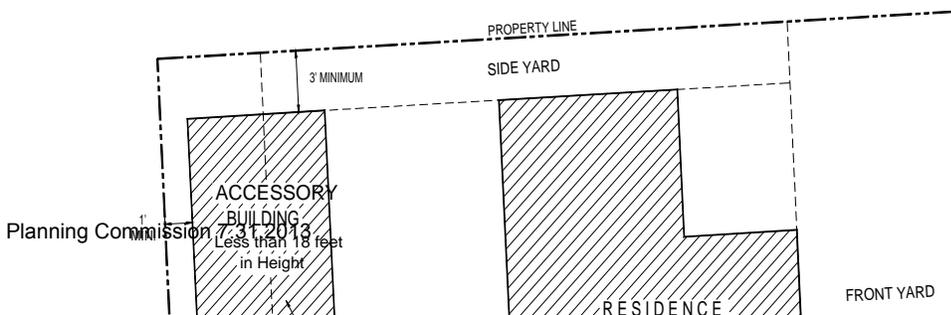
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

(2) The minimum Side Yard for Lots twenty-five feet (25') wide or less is three feet (3').

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

(4) The minimum Side Yard for a detached Accessory Building, not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building, is three feet (3').

(5) On Corner Lots, the minimum Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(6) See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.<sup>11</sup>

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.<sup>12</sup>

(3) Window well and light wells projecting not more than four feet (4') into the Side Yard.<sup>12</sup>

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.<sup>12</sup>

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade.

(7) Fences, walls and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City staircase or pathway.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

*(Amended by Ord. Nos. 06-69; 09-10)*

**15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.**

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing

---

<sup>11</sup> Applies only to Lots with a minimum Side Yard of five feet (5').

Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section 15-15 Open Space. In cases of redevelopment of existing sites, the minimum open space requirement shall be thirty percent (30%).

*(Amended by Ord. No. 09-10; 12-37)*

**15-2.4-6. EXISTING HISTORIC STRUCTURES.**

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must

comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

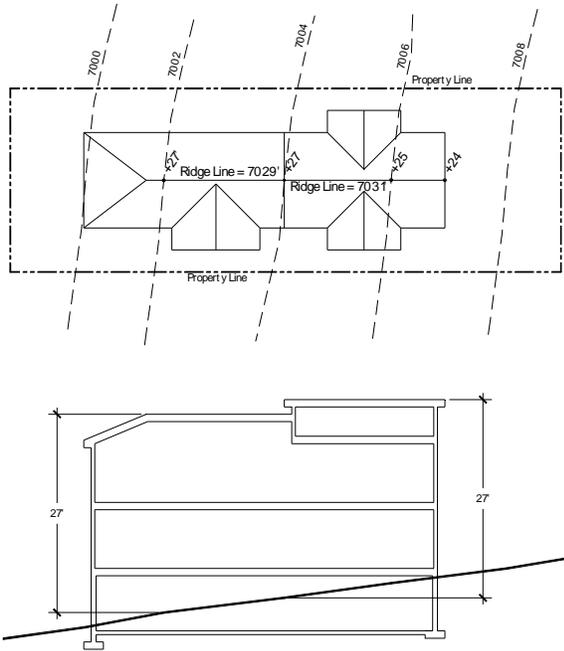
(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

*(Amended by Ord. No. 06-69)*

**15-2.4-7. BUILDING HEIGHT.**

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.



**(A) BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Antennas, chimney, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) Church spires, bell towers, and like architectural features as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone

Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(4) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Zone Height requirements and the plans comply with height exception criteria in Section 15-2.1-6(10)(a-j).

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

*(Amended by Ord. Nos. 06-69; 09-10)*

**15-2.4-8. PARKING REGULATIONS.**

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.
- (C) Common Parking Structures are allowed as a Conditional Use permit where it facilities:
  - (1) the Development of individual Buildings that more closely conform to the scale of

Historic Structures in the District;  
and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Section 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

*(Amended by Ord. Nos. 06-69; 09-10)*

**15-2.4-9. SULLIVAN ROAD ACCESS.**

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”). “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased

vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

**(A) CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.**

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

**(B) NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA.**

The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) **UTILITY CONSIDERATIONS.** Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.

(2) **ENHANCED SITE PLAN CONSIDERATIONS.** These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

(a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.

(b) Increased Front Yard Setbacks.

- (c) Increased snow storage.
- (d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.
- (e) Elimination of Multi-Unit or Triplex Dwellings.
- (f) Minimized Access to Sullivan Road.
- (g) Decreased Density.

**(3) DESIGN REVIEW UNDER THE HISTORIC DISTRICT GUIDELINES.** Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue.

**(4) INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE.** Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.

**(5) PARKING MITIGATION.** Plans that keep the Front Yard

Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

**(6) PRESERVATION OF HISTORIC STRUCTURES AND LANDSCAPE FEATURES.** This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan.

**(C) AFFORDABLE HOUSING APPLICABILITY.** The items listed in Section 15-2.4-9 (B) above do not apply when the Development consists of fifty percent (50%) deed restricted Affordable Housing Units per the City's most current Affordable Housing Resolution.

*(Amended by Ord. No. 06-69)*

**15-2.4-10. ARCHITECTURAL REVIEW.**

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC

Chapter 15-11, and LMC Chapter 5-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

*(Amended by Ord. Nos. 06-69; 09-23)*

**15-2.4-11. CRITERIA FOR BED AND BREAKFAST INNS.**

A Bed and Breakfast Inn is a Conditional Use subject to an Administrative Conditional Use permit. No Conditional Use permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure, addition thereto, or a historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Bed and Breakfast Inn. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

*(Amended by Ord. No. 06-69)*

**15-2.4-12. OUTDOOR EVENTS AND MUSIC.**

Outdoor events and music require an Administrative Conditional Use permit. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (A) Notification of adjacent Property

Owners.

(B) No violation of the City Noise Ordinance, Title 6.

(C) Impacts on adjacent Residential Uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

**15-2.4-13. VEGETATION PROTECTION.**

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6”) in diameter or greater measured four and one-half feet (4 ½’) above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20’) of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3

and Title 14.

*(Amended by Ord. No. 06-69)*

**15-2.4-14. SIGNS.**

Signs are allowed in the HRM District as provided in the Park City Sign Code, Title 12.

**15-2.4-15. RELATED PROVISIONS.**

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-5-13.
- Telecommunication Facility. LMC Chapter 15-5-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3.3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

# HRM District - North Vicinity Map



## Legend

- Road Edges
  - Parcels
  - Park City HSI Significant Site
  - Park City HSI Landmark Site
  - Streets
- Source: Planning Commission 7.31.2013



# HRM District - South Vicinity Map



## Legend

- Road Edges
- Parcels
- Park City HSI Significant Site
- Park City HSI Landmark Site
- Streets

Planning Commission 7.31.2013



**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
JUNE 26, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer, Thomas Eddington, Francisco Astorga, Kirsten Whetstone, Anya Grahn, Polly Samuels McLean.

**WORK SESSION ITEMS**

**1450/1460 Park Avenue - Conditional Use Permit (Application PL-13-01831)**  
**1450/1460 Park Avenue - Plat Amendment (Application PL-13-01830)**

Due to conflicts of interest, Commissioners Thomas and Hontz recused themselves and left the room.

Planner Francisco Astorga stated that this was the second work session for the Green Park Co-housing project at 1450/1460 Park Avenue. He provided an overview of the conditional permit for a multi-unit dwelling, a parking area with five or more spaces, and limited access off Sullivan Road. During the last meeting the Planning Commission clarified that due to the number of parking spaces they considered the parking area to be a parking lot. Planner Astorga clarified that the limited access requires a conditional use permit.

Planner Astorga stated that in addition to the CUP, the applicant had submitted applications for an HDDR, which is reviewed and approved by Staff, as well as a plat amendment to remove a lot line. He noted that the plat amendment would not make sense if the CUP is not approved for the uses.

Planner Astorga read the language from the Code stating, "A conditional use permit for limited access on Sullivan Road must be approved by the Planning Commission. He reported on a disagreement between Staff and the applicant. The applicant finds that the project meets all the applicable aspects of the conditional use permit. The Staff differed from that opinion as outlined in the Staff report. He requested input from the Planning Commission on some of the items outlined in the Staff report and the Staff interpretation. Planner Astorga stated that the Planning Commission would eventually have to make findings of fact and conclusions of law and applicable conditions of approval per the three requested uses.

Planner Astorga stated that the Planning Commission could either agree with the Staff interpretation, require the applicant to redesign the project or submit for a variance to the Board of Adjustment, or they could direct the Staff to begin a LMC amendment. If they choose the LMC amendment, it must be for the entire HRM district and not one particular site.

Planner Astorga noted that the Staff report was divided into five different sections. He stated that the Staff was not against the co-housing project and the seven affordable units proposed reflect the Park City values. He clarified that he was not against the co-housing principle, but his job was to interpret the LMC and create findings for the Planning Commission to approve in the future.

Planner Astorga stated that the first item for discussion was a special requirement for a multi-unit building. The Code requires 60% open space. However, in order to meet this criteria the applicant has to count the open space on the roof. The Staff would like to count the green roof as open space if it can be made accessible to everyone in the project. Planner Astorga pointed out that if

the green roof is not counted, the open space would only be 53%, which is less than the Code requirement.

Commissioner Gross asked if there was a special requirement for the roof to be green or whether it could be an open patio area. Planner Astorga replied that it would need to meet the green roof definition in the LMC, which requires vegetation.

Craig Elliott, the project architect, explained that the applicant was proposing a vegetated roof. Other areas with access had not been counted as open space. If those areas were counted the project would provide 85% open space. Commissioner Gross noted that many projects they have seen recently proposed green roofs and he wanted to make sure if more than just a reclaimed roof area with mechanical equipment on one side and patio tables on the other side.

Planner Astorga remarked that the Code uses the term "usable" in relation to open space. A requirement for a multi-unit building is to provide 60% open space.

Commissioner Wintzer noted that at the last meeting he had stated that he would consider approving the green roof as open space. However, this is a housing project that will have children and they were counting the setbacks as open space. In his opinion, it was not enough open space to make it work, but if someone wanted to squeeze it in under the definition, that would be their choice. Commissioner Wintzer emphasized that the City needed a definition for a green roof that works. The City Council decided that green roofs were acceptable, but they never went back to analyze the details of a green roof, what makes it work and whether it fits in the Historic District.

Commissioner Strachan asked if "usable" means access or whether it has to be useful, such as a garden or a recreation area. Planner Astorga explained that "usable" means that everyone in the project must have access to it without going through a private unit. It also means that it has to meet the definition of a green roof and have vegetation. Commissioner Strachan wanted to know how people would use the roof once they gain access. If there was nothing to do on the roof, he could not understand why they would need access.

Mr. Elliott concurred with Commissioner Strachan. He pointed out that there were a lot of reasons to have open space and green roofs count towards open space for several reasons. One is the opportunity to reduce runoff. It also reduces the heat load of the buildings. Green roofs do a lot of things that open space in general can do, and that was what they were trying to accomplish.

Planner Astorga reiterated that based on the Staff analysis, without the green roof there would only be 53.1% of open space, which would not comply with the open space requirement in the LMC. He asked if the Planning Commission agreed with the analysis, whether the applicant should redesign or submit a variance, or if the Planning Commission was willing to recommend that the Staff change the Code to lower the requirement.

Mr. Elliott remarked that people put bark, flowers and bushes and planting in the open space in their own yards. It is still open space but not space that people walk on and have access to. Commissioner Wintzer stated that the difference is that people can see it and it contributes to the community as open space. For that reason, he was having a hard time considering a roof as open

space. Mr. Elliott commented on other elements in the community that is considered open space but it not used as a playground.

Director Eddington noted that Planner Astorga was interpreting usable as accessible. He agreed that there is open space in side, front and rear yards that is not overly usable, but it counts as open space. It is not the ideal and they tried to change that in the General Plan and come back with new definitions for open space. Currently, he believed that open space is basically green and not all of it is accessible. Gardens and landscaping is usable in terms of being visible and what it contributes. Director Eddington agreed that the current definition is not grand in out open space is counted. Side yards in Old Town are not that usable, and he believed the proposed green roof would fall under that category. You may not be able to play on the green roof but someone could walk around it.

Commissioner Savage understood that the developers, in conjunction with the homeowners, would have the right, but not the obligation, to turn the roof into a patio area and treat it however they wanted as long as it was accessible and complied with the requirements.

Commissioner Gross suggested that the green roof could be qualified similar to a landscaping plan on a house, where it is tied to the occupancy permit and must be completed in a certain manner.

Commissioner Savage stated that at the last meeting, his support of the green roof included the concept that it would be designed and developed in a way that would be green, accessible and desired to be accessed. He suggested that the applicant should come back with a preliminary plan indicating that the accessibility of the roof is meritorious. Chair Worel understood that the roof was accessible through private units. Mr. Elliott stated that it was no different from a typical condominium project where there is limited common space. Commissioner Wintzer pointed out that if a resident leaves town for a month, the open space would not be accessible if their unit is locked. Mr. Elliott explained that open space in a condominium project frequently is limited common area that would be accessible to that unit only and not to the entire project.

Jeff Werbelow, representing the applicant, stated that that this was not a typical project where no one is allowed in the units. It is a project where everyone shares everything in the project and everyone would have access to the green roofs. He explained that the original vision was to have an open space green roof similar to KCPW. They had not envisioned it as a playground.

Commissioner Gross understood that KPCW was not required to build the green roof. Director Eddington stated that it was negotiated into the building at the time as part of the CUP.

Planner Astorga understood that Commissioner Savage was suggested a re-design. He asked if the Planning Commission agreed with his assessment. Planner Astorga noted that if the Planning Commission did not follow the Staff recommendation, the open space would only be 53.1%. The options would be a variance or a re-design. Commissioner Strachan was unsure if the applicant could obtain a variance. Planner Astorga replied that the applicant would still have the right to apply for a variance.

Commissioner Strachan believed a third option was to change the LMC. In reading the definition of

open space in the LMC, he noted that there are two types of open space; Open Space Landscape and Open Space Natural. Natural is the Round Valley type open space. Landscape is publicly accessible landscape areas, such as areas adjacent to public government facilities, playground equipment, recreational amenities, etc. He did not think a green roof was close to meeting that definition. He was not opposed to allowing green roofs, but the Code needed to be changed before they could do it. Commissioner Strachan believed the issue was whether or not to incentivize people to put in green roofs. He personally thought they should. If that was the general consensus and the Code hinders that, then the Code should be amended so they could count green roofs at their discretion if it enhances the project and the community interest. Commissioners Worel and Wintzer concurred.

Commissioner Strachan believed the applicant had the option to redesign the project and come in under the current definition of open space, or request a Code amendment. He pointed out that amending the Code would be a slow process.

Mr. Elliott stated that part of the goal was to create garden space; however, the project is within the soils boundary. Based on the soils condition, they have an opportunity to put gardens on the roofs. Mr. Werbelow remarked that the intention is to have gardens on the roof. Commissioner Wintzer stated that they could put gardens on raised beds to keep it out of the soils, which is the same process as putting a garden on the roof.

Commissioner Wintzer pointed out that the Planning Commission has the obligation to enforce the Code. They do not have the ability to ignore it and it is not their job to change it. He felt the issue was problematic.

Commissioner Savage referred to the definition Commissioner Strachan had read, and that was included on page 20 of the Staff report, "LMC defines landscaped open space as landscaped areas which may include things such as public landscape and hardscape plazas." He stated that if the applicant came back with a schema that showed public raised bed gardening as a community garden for this shared development, he believed it would comply with the definition. Commissioner Wintzer pointed out that it would still not be publicly accessible.

Commissioner Savage thought there were two different discussions. One was publicly accessible and the other was whether the use qualifies for the definition of open space. In terms of the use, he thought it would be consistent with the definition. Chair Worel did not think it complied with the last part of the definition which states, "...but excluding buildings or structures." Commissioner Savage argued that it was a roof; not a building. It is a flat surface.

Mr. Elliott presented a slide showing the solar panels on the building. He noted that that end of the building had common area. There was a stairway that was common to everyone for access. Mr. Elliott stated that he could extend the stair to the roof and make that part green. He believed it would only require approximately 8% additional total square footage to meet the Code, if that was all that was required. In his opinion it would be a simple solution to resolve the open space access issue. Mr. Elliott was willing to make that change if the Planning Commission was willing to accept it as a solution. He clarified that it would not be a public access for anyone outside of the Green Park Co-Housing project.

Commissioner Strachan was not sure that the stair extension would meet the definition. Mr. Elliott noted that it would be privately held open space and no different from private courtyards or side yards. Commissioner Savage pointed out that where he lives he has the right to use the common space. However, "Joe Public" would not have that same right because he does not live there, but it is still considered open space.

Commissioner Strachan thought the stair extension was a reasonable solution that comes close enough to meeting the definition. He recognized that it would not fit cleanly, but that was typical of most applications. Commissioner Wintzer concurred.

Chair Worel thought the issue made it clear that the LMC needed to be amended. Commissioner Strachan agreed that the definition needs to be revised if they want to incentivize green roofs in the future. Commissioner Wintzer reiterated his previous requests for the Staff to research a green roof definition. Director Eddington stated that the Staff has already drafted new definitions for open space, the different kinds of open space and green roofs for the General Plan. Once the General Plan process is completed, the LMC would be amended.

Director Eddington clarified that the Planning Commission would be comfortable with the green roof as open space with accessibility via the stairway; and there is no pre-exclusion with the words "but excluding buildings and structures", in the open space landscape definition. Director Eddington noted that a structure is typically defined as anything constructed and affixed to the ground. The Commissioners were comfortable with counting the green roof as open space as long as everyone in the co-housing development would have access to it.

Planner Astorga moved to the next issue of parking and interior landscaping. He noted that parking should generally be located to the rear of the buildings or screened so it does not dominate the streetscape. The Staff finds that the parking is not screened and therefore it does not comply.

Commissioner Strachan stated that a number of issues centered around the parking design. Planner Astorga replied that this section addresses the parking design. Commissioner Strachan recommended that Planner Astorga present all the parking related issues as one discussion rather than in pieces. The Commissioners concurred.

Mr. Elliott pointed out that Commissioner Strachan was absent from the last meeting and had not seen the full presentation of the projects. He requested the opportunity to briefly review his presentation because it shows the design concept, how it was put together, why they did it and what was done. He noted that it was the same presentation given at the last meeting with a few minor changes.

Mr. Elliott expressed disagreement with Planner Astorga's interpretation of the parking because the project does not have a parking lot. The project was designed with four driveways that go to garages and a driveway cannot be screened. The back lots are four Old Town lots of width. If there were four houses the driveways may be narrower but they would still exist. Mr. Elliott pointed out that the limited access discussion has a lot to do with a number of reasons. He explained that the limited access on Sullivan Road was put in because there was no dedicated right-of-way. In

order to have access to the properties there needed to be something in the Code that allows it. Mr. Elliott stated that as second reason was to discourage access from Park Avenue. He noted that their plan removed two driveways from Park Avenue.

Commissioner Wintzer recalled that the Planning Commission had determined at the last meeting that the parking was a parking lot. Mr. Elliott stated that a parking lot would require a drive aisle, an access and turn-in. Those can be screened because there is only one drive lane into a parking lot, which is a large area dedicated to parking. He would argue that this project did not have a parking lot because there were four different parking spots that connect to the street.

Planner Astorga agreed with Commissioner Wintzer that all the Commissioners, with the exception of Commissioner Strachan who was absent, determined that this qualified under the use of a parking area with five or more spaces. Commissioner Strachan was interested in seeing Mr. Elliott's presentation, particularly if changes were made since the last meeting.

Mr. Elliott reviewed the proposed development, the surrounding existing developments, as well as the roadways and parking. He noted that the orange areas indicated the historic homes on the block.

Commissioner Strachan asked if the 14 parking spaces proposed met the minimum parking requirements. Mr. Elliott replied that it exceeded the minimum requirement by four spaces. He explained why they were proposing to use parking on Park Avenue and clarified that it was not to meet the parking requirement.

Mr. Elliott pointed out the revisions that were made since the last meeting. They brought the building mass out and created recessed area for the garage and balcony areas off of each unit looking back into the Park area. Windows were added to the corners and they created a doorway in place of a window. Mr. Elliott indicated areas where the storage for trash and recycling was increased. It is screened from the public and it covered up what would have been another door. Therefore, two doors were reduced on the building mass from the previous plan, and the texture was changed for better articulation on the façade.

Commissioner Wintzer referred to the parking plan and asked if parking in the setbacks was allowed. Mr. Elliott replied that on a driveway you can park in the setback. Planner Astorga disagreed, and read language from LMC Section 15-3-14 on page 13 of the Staff report. "All parking lots shall maintain the required front and side yard as would be required for any structure". Commissioner Wintzer felt the language goes back to the question of whether this was a parking lot.

Commissioner Savage understood that whether or not this was a parking lot was a separate issue. If it is a parking lot Planner Astorga was right and if it was not a parking lot Craig Elliott was right. Planner Astorga replied that this was correct. Director Eddington explained that the alternative to the parking lot would be a series of driveways.

Commissioner Savage remarked that the nature of a parking lot is a situation where there is a certain number of parking spaces and people who have the right to use that parking lot can park in

any of the spaces that exist in the lot. A driveway is dedicated to a unit and the people who do not own or live in that unit do not have the right to park in the driveway. Commissioner Wintzer pointed out that Unit 1 is parked in the garage and Unit 2 parks behind him outside of the garage. Planner Astorga pointed out that that would be part of the parking management which the City does not regulate. Commissioner Savage asked for the criteria that discerns whether or not it is a parking lot. Planner Astorga stated that he determined it was a parking lot because there are more than five parking spaces.

Commissioner Gross ask if the number of parking spaces was the only determining factor. He pointed out that the proposed parking exceeded the minimum and that was creating the issue. Planner Astorga noted that he had added the definitions of parking in his presentation.

Mr. Werbelow stated that they spent a lot of time on their parking plan. He noted that each tandem space was a unit and the family would park in the garage and in a driveway behind it. Two of the garages have parking partners and only two individuals share that space. He explained that it was not random parking where people could park anywhere like they would in a parking lot.

Planner Astorga reviewed Section 2 of his presentation, which focused on the parking issues. The first was interior landscaping of five feet. The applicant proposes four landscaping areas adjacent to the driveway/parking spaces, which is a strip of 2-1/2 feet and then two strip of 5-feet, and then another one of 2-1/2 feet. He noted that they have provided strips of landscaped areas; however, it does not meet the minimum of 5-feet. Another issue is street access and circulation, specifically parking areas designed for five or more vehicles. The LMC language states, "Must not necessitate backing cars on to adjoining public sidewalks, parking strips or roadways. The third issue was driveway widths and spacing. He read, "Residential and multi-unit dwellings and five or more parking spaces requires a minimum drive width of 18-feet. The maximum driveway width is 30-feet". Per the Historic District Guidelines, in the Historic District the minimum spacing requirement is 10-feet. Planner Astorga pointed out the conflict between the LMC requirement and the Design Guidelines. He noted that whenever there is a conflict of regulation the more strict requirement applies. Therefore, the minimum width needs to be 10-feet and this proposal does not meet that requirement. He clarified that it meets the criteria for a multi-unit building, but not in the Historic District.

Commissioner Savage asked if it was possible to resolve the collection of issues by allowing the project the spaces they need on Park Avenue. He believed expanding the parking on Park Avenue would mitigate the problem. Mr. Elliott stated that expanding the parking would require the Planning Commission to interpret it as driveways. Commissioner Savage asked if it would solve the problem of having five parking spaces if they kept the two spaces on Park Avenue and moved the open space on the front to the back. Mr. Elliott answered no.

Commissioner Wintzer asked if parking spaces 13 and 14 were in the side yard setbacks. Mr. Elliott answered yes. Commissioner Wintzer reiterated that parking in the setback is not permitted. Mr. Elliott remarked that the driveway is in the setback and parking is allowed in the driveway on the property.

Commissioner Strachan asked if any of the driveways exceed 30 feet. Planner Astorga gave the widths of all the driveways to show that they were under 30 feet.

Planner Astorga stated that the next section for discussion addressed tandem spaces. He noted that one provision in the Code states that tandem parking is only allowed for single-family dwelling, accessory apartments and duplexes in all zoning districts. However, another provision indicates that tandem parking is allowed in the Historic District. The Staff found compliance with this regulation and asked if the Planning Commission concurred with that finding.

Planner Astorga noted that the next section states that all parking lots shall maintain their required front and side yard as would be required for any structure. The Staff did not find compliance on this issue.

Planner Astorga remarked that there was no added screening for the parking lot or driveway, and therefore, it does not comply with the criteria.

Planner Astorga noted that adjacent driveways must be separated by an island of 18-feet for a multi-unit dwelling. The Staff did not find compliance with this criteria.

For the purposes of discussion, Commissioner Savage asked if they were talking about a driveway or a parking lot. Planner Astorga stated that the Staff finds that it is both because it has a dual purpose. Commissioner Savage questioned how they could hold an applicant accountable to the most rigorous scenario for a parking lot and the most rigorous scenario for a driveway simultaneously. Planner Astorga believed they could because the use of the space has a dual purpose. You drive through it to get to a parking space in the garage and then you park another vehicle behind it. Commissioner Savage stated that it was called tandem parking. In his opinion it was a driveway and not a parking lot.

Planner Astorga stated that in all the criteria identified in Section 2, only a few apply to a parking space of five or more. He referred to page 13 of the Staff report and noted that there was not compliance with Criteria 1, 2, and 3. Criteria 4 and 5 were not applicable.

Commissioner Strachan clarified that Mr. Elliott was of the opinion that it was not a parking lot because it was broken up by the islands. Mr. Elliott stated that it was designed as a driveway. Commissioner Strachan stated that the fact that it is broken by the islands did not answer his questions. Mr. Elliott explained that the islands break the driveways into separate pieces and going into a garage makes it a driveway. It is not an access way to a parking lot.

The Commissioners and Staff discussed the widths of the islands. Director Eddington stated that the Code did not particularly address this particular situation because this development was multi-family dwelling units. He felt it was unclear on whether or not it could be called a driveway. Director Eddington pointed out that the Planning Commission previously deemed the parking a parking lot because it contained five or more spaces. Based on that determination there were spacing restrictions that Planner Astorga had previously outlined. However, the applicant believed it was a series of driveways. Director Eddington stated that the conflict needed to be resolved and the Planning Commission needed to make a determination this evening.

Commissioner Savage thought this was a good project that would be good for a lot of people. He

thought the Planning Commission needed to find a way to solve the problem and to decide if it was easier to solve as a driveway or a parking lot. Commissioner Wintzer remarked that there were problems with either scenario.

Assistant City Attorney McLean advised the Planning Commission that as much as they like the project, they still needed to go back to the Code. If the Code is wrong, it can be changed, but they have the obligation to follow the Code that is in place.

Commissioner Gross felt the unfortunate issue with the problem is that it has a major frontage along Park Avenue and a major frontage along a recreational parking lot. He assumed ten parking spaces were required for the project and the applicant was proposing 14. He thought a possible solution might be to eliminate four parking spaces and widen the buffers in the back to make them less objectionable and closer to Code. Commissioner Wintzer stated that the problem with that solution is that it would push the cars out into the neighborhood.

Planner Astorga emphasized that the bigger issue is that they do not comply with the design guidelines that says the driveway shall be limited to ten feet. He believed the smaller ones could be reduced but it would be difficult to reduce the ones that are 28.5 feet. Mr. Elliott believed the larger ones could be reduced to 21 feet. Planner Astorga pointed out that the requirement was found in the Historic District Guidelines. It was not a requirement of five or more parking spaces. The requirement applies regardless of the number of parking spaces.

Commissioner Savage stated that as a hypothetical, if the Planning Commission agreed to accept the plan as presented, he wanted to know what would need to be done to implement it. Planner Astorga replied that the Planning Commission would have to direct the Staff to change the LMC. Commissioner Savage assumed the next option would be for the applicant to apply for a variance. He understood that there was no way to approve the plan as designed without changing the LMC. Planner Astorga believed that was the only way.

Director Eddington referred to the Note on page 14 of the Staff report. Astorga read, "The City Engineer may approve minor space and width deviations. At this time no deviations have been made by the City Engineer." Mr. Elliott stated that they had not had the opportunity to visit the site with the City Engineer. Planner Astorga stated that he had many conversations with the City Engineer, which included him reviewing the entire Staff report. When Mr. Cassel has an issue he tries to work it out with Staff. Planner Astorga reported that Mr. Cassel had made no comments, which indicates that he occurs with the current Staff recommendation. Mr. Elliott stated that neither the design professional nor the owners had met with the City Engineer.

Commissioner Savage recommended that the project be set in abeyance until the applicants have the opportunity for review with the City Engineer. If the City Engineer can come up with a solution he supports, the Planning Commission would have a different position to consider. Planner Astorga pointed out that the language he read was from the LMC. Unfortunately, the City Engineer does not have the purview to override the 10-foot requirement for driveways as indicated in the design guidelines. He wanted to make sure that the applicant understood that Mr. Cassel would not be able to change the requirement from 10 to 18 feet.

Commissioner Strachan noted that if the City Engineer finds that it is not a minor deviation, it would tie the hands of the Planning Commission.

Assistant City Attorney believed that part of the conflict was that the Staff was given direction at the last meeting to review it as parking for five or more, and that was the basis of the analysis. Since both meetings were work session, it would be appropriate to re-examine whether or not it is a parking lot or driveways. She believed whichever avenue they take has its own challenges.

Planner Astorga was unclear on whether there was a different interpretation this evening as to whether it is five parking spaces or more. If the Planning Commission were to change their interpretation, there would still be challenges to overcome to comply with Code. Commissioner Strachan could see no way to bend the Code because it was too far outside of the requirements. In his opinion, it is clearly a parking lot as defined because it has more than five spaces. It is not driveways. Assistant City Attorney stated that the alternative was to direct the Staff to look at LMC amendments for this area. Commissioner Gross was comfortable with that alternative. Commissioner Wintzer was not opposed to changing the LMC, but he thought it would be a quicker process for the applicant to consider redesign work rather than wait for changes to the LMC. Commissioner Wintzer agreed with Commissioner Strachan that there was no way to get around the Code. Commissioner Savage thought the only choice was to follow Ms. McLean's suggestion.

Planner Astorga clarified that the Planning Commission was leaning towards changing the LMC. The Commissioners concurred.

Planner Astorga commented on the Sullivan Road access. The first criteria was to increase front yard setbacks. He noted that all the setbacks met the minimum requirements. Planner Astorga referred to page 21 of the Staff report and reviewed the list of Mandatory Elements Criteria outlined in the LMC. The Staff could not find compliance with 2(b) increased front yard setbacks; 2(d) increased TDRs, open space, and/or preservation of significant landscape elements; 2(f) minimized access to Sullivan Road; 3) Design review under the Historic District Guidelines, 4) Incorporation of Pedestrian and Landscape Improvements along park Avenue, Sullivan Road and Eastern Avenue.

Mr. Elliott commented on the increased setbacks and stated that in the original concept, before the garages, the setbacks were five feet greater than the 20-foot minimum. He pointed out that the setbacks are actually 21 feet, which is one foot greater than the minimum. Planner Astorga stated that there was a dual requirement for setbacks. For a front facing garage the minimum requirement is 25 feet, and everything else is 20 feet.

Mr. Elliott explained his interpretation of the intent of the Code. Commissioner Strachan agreed with Mr. Elliott.

Planner Astorga asked if the Planning Commission agreed with his analysis that it was a double frontage lot. Commissioners Strachan, Worel, and Wintzer agreed. Commissioner Savage stated that there was no ambiguity in his mind that the front of the building was on Park Avenue and the back was on Sullivan. Commissioner Strachan believed the Code was written with the understanding that all those properties were double frontage lots and they would need to give on the Sullivan Road side to get the increased setback on Park Avenue, or visa-versa. He did not

think it was necessary to increase the setback on Sullivan Road as long as there was the necessary setback on Park Avenue. He pointed out that the structures in front were historic and did not need to move. Commissioner Strachan believed his interpretation applied to the increased snow storage and to the rest of the criteria in Section 15-2.4-9B. The Commissioners concurred.

Planner Astorga referred to criteria (d) increase TDR, open space and/or preservation of significant landscaped elements. The Commissioners were unaware of any significant landscape elements. Planner Astorga stated that the Staff could make the interpretation that there were no significant landscape elements and, therefore, this requirement was not applicable.

Planner Astorga requested discussion on criteria (e), the elimination of multi-unit buildings. Commissioner Strachan noted that the Code states that the Planning Commission shall review and evaluate the criteria for all projects along Sullivan Road. The Code does not say that a multi-unit or triplex dwelling is not allowed. In his opinion, it was optional. Commissioner Savage thought the criteria would not apply because there was not a multi-unit or triplex dwelling that could be eliminated. The Commissioners concurred.

Planner Astorga stated that criteria (f), minimize access to Sullivan Road, was in conjunction with the parking analysis. In looking at the site plan, he was unable to interpret that this would be limited access off of Sullivan. Commissioner Strachan thought the Code encouraged minimizing the access, but it is not required. The Code only says that the Planning Commission has to evaluate it. He believed they had already evaluated it in the context of the parking discussion by determining that the access to Sullivan Road as currently designed was too intensive based on the number of parking spaces.

Mr. Elliott pointed out that they were proposing 10 units, which was less than the base density of 14 units. Therefore, they had minimized the access by reducing the density. Commissioner Strachan remarked that if the applicant was able to resolve the parking problem, the access would be minimized further.

Mr. Elliott asked for clarification from the Planning Commission on whether the issue was that the proposed parking was too intensive or that it did not meet Code. Commissioner Savage replied that it did not meet the criteria of the Code. Commissioner Strachan thought it was both issues. The purpose of the Code is to control the intensity of use and that can be done through various means, including parking requirements. Mr. Elliott stated that he did not look at it as being too intense. His interpretation was being able to find a way to apply the Code. Commissioner Savage encouraged Mr. Elliott to explore a way to resolve the Code issues, which would include a reduction in the number of parking spaces.

Assistant City Attorney McLean understood that because the applicant was not maximizing the density that could be on these lots, Commissioner Strachan interpreted that as minimizing the access to Sullivan Road. She asked if there was consensus among the Planning Commission on that interpretation. The Commissioners concurred.

Planner Astorga noted that the Staff interpretation was non-compliance with 4) Incorporation of Pedestrian and Landscape Improvements along Park Avenue, Sullivan Road and Eastern Avenue. However, based on the direction he received for the increased snow storage and the preservation

of the significant landscape elements, he thought he could work on finding compliance with the criteria. Commissioner Strachan thought the project needed to have better pedestrian connections. Commissioner Gross agreed, and believed it was tied in with the parking in the back. Commissioner Strachan pointed out that the Code was more mandatory in this criteria because it says "the plans must save, preserve, or enhance..." Commissioner Strachan stated that if the project preserves or enhances the existing connections he thought that would be a reasonable interpretation. Commissioner Savage thought that would definitely be accomplished on the Park Avenue side because that perspective would be much more attractive than it is currently. Based on the final design, from an aesthetic standpoint he believed the back would be equivalent or superior to the adjacent projects.

Planner Astorga read criteria 5) Parking mitigation. Plans that keep the front yard setbacks clear of parking and minimize parking impacts near intensive uses on Sullivan Road are positive elements of any site plan. He found that the project did not comply with this criteria. Commissioner Strachan stated that these were things that should occur, but he did not read it as mandatory.

Planner Astorga requested discussion on criteria 6) Preservation of Historic structures and landscape features. He noted that the Staff did not find compliance with the Design Guidelines and the CUP criteria in terms of mass, scale, and compatibility. The issue is that the separation between one historic structure and the new structure is 3-1/2 feet. The second historic structure has a separation of four feet. The interpretation is that it is extremely difficult to have a compatible addition when it is so close to the historic structure. He clarified that these were not additions because they are not connected; however, viewed from the public right-of-way, they would be seen as additions because of the close proximity.

Commissioner Savage asked if there was a provision in the Code that speaks to the specific issue of the distance between the buildings. Planner Astorga replied that the Code does not have a hard answer. However, the Staff finds that 3-1/2 feet is not enough distance and would recommend 8 to 10 feet of separation.

Mr. Elliott pointed out that they would be allowed to do additions to the historic structures. They felt this was a more appropriate way to maintain the historic structures and identify them as being separate; and at the same time keep them close enough to the rest of the units to be part of it. Mr. Elliott believed they had maintained the character of the existing structures and reduced the impacts of the structure behind. He felt the plan was very consistent with the Design Guidelines.

Commissioner Strachan clarified that the historic structures were part of this project. Mr. Elliott replied that they were two units in the project. He explained how the project was designed based on direction from Staff at the pre-application meeting. He reviewed the elevations showing the historic homes and the new building behind. Commissioner Savage thought the new building would need to be moved back a significant distance before the separation would be visible. Planner Astorga noted that the Staff was being strict on the interpretation of compliance with the Historic District Design Guidelines because the applicant had indicated that they would have the highest degree of historic preservation. Commissioner Savage thought the focus should be on questions related to the façade, colors and compatibility between the historic structures and the structures immediately behind them. In his opinion, the contrast of a modern building behind the historic

structures would be more apparent than the distance between the buildings.

Mr. Elliott pointed out that they are encouraged not to mimic or replicate the historic structures. It is a delicate balance of design and they tried to place the building where it would have the least impact to the historic structure. As far as he could tell, they had not violated the Code or the Design Guidelines through the process, and they had designed the project with compatibility in mind.

Planner Astorga noted that the applicant would have to work with the Staff on the Historic District Design Review. The Planning Commission was not involved in the HDDR, but he encouraged their feedback and comments for consideration. Mr. Elliott was also interested in hearing the Commissioners comments. He would need to know if they did not find it compatible.

Commissioner Wintzer was uncomfortable with raising the two historic structures. He understood Mr. Elliott's reason for doing it, but it takes them out of the context of the streetscape. Mr. Elliott stated that he could lower the one on the left by a foot, but they would have to take it out of the flood plain. The structure on the right fits the criteria in the zone and the design guidelines. Commissioner Wintzer suggested that Mr. Elliott look at taking the structures out of the flood plain.

Commissioner Strachan believed the applicant had a challenging battle meeting compatibility. The proposed structure was more modern than the adjacent multi-family structures, and he could not see a seamless transition with the two historic structures.

Chair Worel wanted to see the transition more seamless. She thought the new building was too modern to blend with the historic structures. Commissioner Gross agreed, particularly the view from Park Avenue looking east. Commissioner Strachan thought Mr. Elliott had the opportunity to revise the design to make it work.

Planner Astorga clarified that the Staff was not against co-housing and affordable units; however, they are charged with applying the Code.

Chair Worel called for public input.

Clark Barron, an owner in the Struggler condos adjacent to this project, agreed with the Staff report. In his opinion this project does not comply with Code on the issues of parking and compatibility. He recognized that some of the surrounding structures are very large, but they were built prior to the Historic District Design Guidelines. Mr. Barron remarked that the LMC and the guidelines are in place for a reason and this project should have to comply. Mr. Barron noted that the proponents of the property made them aware that these were the last two historic properties to be developed along Park Avenue. He believed that fact makes a stronger case for making sure it is developed in the right way. Mr. Barron believed the project as designed is not compatible with the surrounding structures. He agreed with the statement that new construction should be subordinate to the historic structures, and this structure is not. Mr. Barron did not agree with the discussion concerning two frontages. He noted that ten people live in the project and eight of the front yards front Sullivan Avenue and only two go the other direction. He was unsure how they could classify Sullivan Avenue as a back yard in terms of setbacks. Mr. Barron asked the Planning Commission to be cautious about counting the green roof as part of the open space. In his opinion it is a slippery

slope. Another condo project could build property line to property line, cover the whole roof with grass and call it green space. That is not the intent of open space. Mr. Baron commented on the number of issues and problems with this project and noted that the reason is that it does not fit the lot. He believed there were better uses for this last historic green space.

Jane Crane, an owner in the Struggler condominiums, agreed with Mr. Baron on all the issues. She was concerned about water issues if the historic home next to the Struggler is raised. Her property already gets a lot of water from the snow and she worried about further problems if the elevation is changed.

Ethel Preston, one of the co-housing owners, was unsure what the Planning Commission was looking for in terms of compatibility. She noted that the two developments on either side of this project were built in the 1970's. Ms. Preston asked if the Planning Commission wanted the co-housing to look like a 1970's project. She did not understand their comments about looking more modern than the surrounding units.

Chair Worel explained that her comments was that she would like to see more seamless from Park Avenue so it flows with the historic structures as one property.

Ms. Preston pointed out that another person had said that the building looked too modern and it was not compatible with the surrounding structures. She asked what age they wanted the building to look like.

Commissioner Strachan noted that he had made the statement about being too modern. He could not define compatibility but he knows it when he sees it. Commissioner Savage told Ms. Preston that their comments addressed compatibility with the façade of the two historic buildings from Park Avenue. They were asking the applicant to find a way to make the façade of the new construction look harmonious and compatible with the look of the historic homes. He clarified that the Planning Commission was not recommending 1970 architecture.

### **Park City Heights – Possible amendments to Subdivision Plat (Application PL-11-01355)**

Planner Whetstone reported that the purpose of the work session was to review contemplated changes to the subdivision plat for the Park City Heights Master Planned Development. The Master Planned Development was approved in 2011, along with a preliminary plat. The preliminary plat and the master planned development went through an extensive review over an extended period of time. It was a concept plan with a master plan, and a lot of details were discussed before the master plan was approved with a series of conditions. Planner Whetstone noted that a number of different elements of the master plan and the preliminary plat were reviewed at the same time.

Planner Whetstone explained that due to the discovery of mine/waste and contaminated soils, the applicant felt it was necessary to create an area for an on-site repository for soils. It would require changing the configuration of the lots, but not the density. The density would remain at 239 units on 239 acres. The number of affordable housing units and market rate units would remain the same. Planner Whetstone recalled that there were eight affordable units that were not required but were

being provided in the mix of 79 affordable units that were undefined. Those units have now been defined. She noted that the original neighborhood would be little smaller, but additional park areas were added.

Planner Whetstone stated that the applicant was working with the State on the Voluntary Cleanup Program; however, the remediation plan has not been approved. She had met with the applicant's representative to plan out a strategy and they felt that it was best to come back to the Planning Commission as a work session to determine the required process to address the issues. Planner Whetstone noted that the applicants would have to do a new preliminary plat for Phase 1 if the repository is approved to remedy the soils issues. The question was whether the applicants could come back to the Planning Commission with a new subdivision plat without re-opening the MPD.

Spencer White, representing the applicant, reiterated that the Park City Heights project went through a lengthy approval process and there was a significant amount of discussion between the Planning Commission and the applicants. They knew they would be coming back at each phase and they did not want to surprise the Planning Commission with a different layout. Mr. Spencer noted that they tried to keep everything as close to the original plan as possible. He not believe anything substantial had changed, but they wanted the Planning Commission had a say in the process.

Mr. White stated that because of the contaminated soil and the amount of contaminated soil, they need to find a solution to clean it up and mitigate the issue. He explained that the best option is to create an on-site repository. In order to do that, they need seven to eight acres of area. Mr. White requested feedback from the Planning Commission to help address the situation.

Mr. White stated that in the original MPD there are 79 affordable/attainable units, and some of the units were not defined. He noted this current proposal defines those units. There are still 28 attached units, which are the IHC affordable units that were brought into the property. The 35 units that were affordable/attainable units from the City are now defined as small lots, single-family detached, high-density. The 16 units from the market rate units would be disbursed through the cottage homes as planned in the original MPD.

Mr. White remarked that they would prefer not to amend the MPD, and they do not believe it is necessary.

Mr. White outlined other changes that were different than the original MPD. Two parcels of commercial were never defined and they were left for someone in the future to potentially develop. With the space required for the repository, those two parcels were eliminated. Commissioner Strachan recalled that those were Parcels I and J. Mr. Spencer replied that this was correct. Mr. White noted that the two parcels were located along Richardson Flat Road and conditional use permits were attached to them in the future.

Mr. White commented on the positive aspects of the plan. He indicated the power corridor that runs up the property and noted that in the original MPD some lots were adjacent to the power corridor. During the planning process a visual analysis was done and those were of concern. Mr. White stated that all but the two highest lots were brought down further and some of the visual concerns were addressed.

Mr. White stated that the small lot, single-family detached units are an alley-loaded product. Some of the alley-loaded cottage homes were eliminated. Going through the Phase I approval process with Engineering and Public Works, they eliminated some of the alley-loaded product to address snow storage and similar issues. Mr. White noted that the design guidelines would stay the same, with the exception of minor modifications for the small single-family detached units.

Commissioner Hontz stated that if the Planning Commission determined that it needed to follow the MPD process based on Code, she wanted to know how that would be different from just amending the subdivision. Planner Whetstone replied that it was two phases. Based on Code, if there is a substantive change that would be considered a change in concept, density, unit type or configuration of any portion, the MPD would be reviewed. Otherwise, the applicants would have to start with a pre-application conference against the General Plan review.

Commissioner Hontz referred to the LMC language and felt strongly that this request met the first sentence, which states that if there is a change to the unit type or configuration, the entire master plan and development agreement is reviewed by the Planning Commission. The sentence did not say anything about a "substantive" change. Commissioner Hontz assumed that the MPD process would lead to the subdivision replat, and it would only require one or two additional meetings.

Commissioner Hontz recalled that the Planning Commission had concerns relative to soils issues from the beginning and they asked the developer and the City to add language in the development agreement to indicate that there were concerns about soils issues. Mr. White replied that those were two different soils. Commissioner Hontz recalled specifically mentioning the issues on the soils across the street that had to be capped and mitigated. She pointed out that the issues were public safety, health and welfare. She was sympathetic to the problem, but the Code clearly states what they are obligated to do and she believed the applicant needed to come back for an MPD review.

Assistant City Attorney McLean stated that from a legal perspective, different interpretation was one reason why this was scheduled for a work session. She stated that when there is an MPD, minor changes are often done that do not come back to the Planning Commission because it was viewed as non-substantive. Commissioner Hontz stated that she would agree if it related to a window type or moving a house on a lot. However, the language clearly says unit type and configuration, and both of those things occur in this request. She felt they were fully within their rights to require a review of the MPD.

Commissioner Wintzer thought it would be helpful to see a list of everything that was approved and another list of everything they were changing so they could easily compare and determine which changes are substantive and which are not. He was concerned about the same issues in terms of number of units, the amount of open space, and the ridges along the edges. He suggested that the developer pull out the original visual analysis and show that it has not changed. Commissioner Wintzer was not interested in starting the process over, but he would like to compare it to what was already approved. He thought it would also help the new Commissioners understand what was approved and what was being changed.

Chris Gamvroulas with Ivory Development, noted that the Staff report contained 63 conditions of approval and possibly five would have a slight change. He noted that in an effort to make it easy for the Planning Commission visually, they had juxtaposed the plans. Mr. Gamvroulas explained that the previous plan was shown in yellow.

Mr. Gamvroulas stated that the topographical map that everyone was working off of had busts in it, and approximately 13' of issues within the topographical map were not accurate. They now have a very accurate topographical map. He pointed out that the low area by the frontage road is the area that would be filled in with remediated soils. Mr. Gamvroulas stated that they had a letter from DEQ moving them forward in the process of the Voluntary Cleanup Process through the State.

Mr. White clarified that the Voluntary Cleanup Program is State run through the Department of Environmental Quality. Some of the other sites are governed by the EPA. Mr. White pointed out that the DEQ has oversight by the EPA and they are aware of it as well. Mr. Gamvroulas stated that the State and the EPA were encouraging Park City Heights to put in the repository because there are many issues involved with truck the soils off-site. He pointed out that they were trying to resolve the problem as landowners and as citizens.

Mr. Gamvroulas reviewed the changes on the plan and identified the areas that were being reconfigured. He noted that they were days away from recording the first plat when the soils issue was discovered.

Commissioner Savage understood that there was a discrepancy in opinions related to the nature of the direction going forward, and whether this would open the MPD to a complete review or if they could take a more simple approach. He thought they should address that issue before they spend time on the points outlined in the Staff report.

Director Eddington stated that the question was whether the MPD should be opened for an amendment review, or if they should take it forward as a plat review subdivision, conditioning that review with design guidelines. Commissioner Savage thought it was a question of what they are required to do, rather than what they want to do.

Commissioner Savage stated that if the Planning Commission conducted their review in the format suggested by Commissioner Wintzer, and as a result of that review did not identify any issues that would negatively impact the previously approved plat, he would support a simple modification rather than re-opening the entire MPD. However, he respected Commissioner Hontz's opinion regarding the Code language and he was interested in hearing the opinions of the other Commissioners.

Commissioner Hontz clarified that her concern was about setting precedent because the Code is very clear. She was comfortable with the review level, but she felt they were obligated to follow the Code. Commissioner Hontz stated that on a first glance she thought the changes proposed were good and she did not anticipate a difficult process. However, she would be uncomfortable if another MPD came forward with changes and they had already set the precedent.

Commissioner Strachan thought the applicant needed to go through the pre-application public hearing as required in LMC Section 15-6-4. He noted that the applicant had to go through the

hoops before they could get to the discussion that they hoped to have this evening. Commissioner Wintzer thought they could review the changes and have the discussion quickly. Commissioner Strachan agreed that it could be done quickly, but just because it could be done fast, he did not think the applicants should be able to skip the steps to get there. Commissioner Wintzer shared the concern of setting a precedent; however, he thought all the steps could be accomplished in two or three meetings.

Commissioner Thomas was not ready to say that the changes were not substantive, and that still needed to be determined. He supported Commissioners Hontz, Strachan and Wintzer in terms of process and understanding the depth of the changes. If it takes the full process by Code interpretation, that is what they should do.

Commissioner Gross stated that he was not on the Planning Commission at the time of the original approval; however, at first glance he did not think the changes looked that significant. Chair Worel agreed that the request needed to go through the full review process.

Commissioner Savage recommended that in the course of initiating the process, that the Planning Commission achieve the objectives that Commissioner Wintzer recommended as early in the process as possible, so anything substantive would come forth very quickly.

Mr. White expressed his hope that they would not have to start at the beginning and that the review of the MPD could begin from where they left off. Commissioner Strachan pointed out that it was a different Planning Commission and the vote may be the same or it may be different.

The Commissioners and the applicant reviewed the process and what they hoped to accomplish. Commissioner Wintzer requested to see the views on the ridge, a section through the area they intend to fill and what it is and what it is going to be, and what they plan to do on top of the disturbed area.

Chair Worel called for public input.

There were no comments.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JUNE 26, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Matt Evans, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

The Commissioners met in work session prior to the regular meeting. The work session discussion can be found in the Work Session Minutes dated June 26, 2013.

**ROLL CALL**

Chair Wintzer called the meeting to order at 7:45 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

June 12, 2013

MOTION: Commissioner Wintzer moved to APPROVE the minutes of June 12, 2013 as written. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington welcomed back Kayla Sintz to the Planning Department as the new Planning Manager.

Director Eddington reported that the City was interviewing for new Planner positions in an effort to bring the Staff up to full capacity.

Director Eddington referred to the Staff Communication items on the June 12<sup>th</sup> agenda under Staff Communications. The first was Jim Tedford's letter regarding MPDs. He noted that the Staff and the Planning Commission had already addressed the issues outlined in the letter. The Staff had requested additional information based on Mr. Tedford's question as to whether or not the Planning Commission had reviewed his letter. Director Eddington clarified that Mr. Tedford's letter had been reviewed during the MPD discussion and the Planning Commission took his information into account and decided to reduce the extent of the MPD changes in their recommendation to the City Council. Director Eddington noted that the recommendation regarding MPDs was scheduled before the City Council on July 11<sup>th</sup>. Mr. Tedford would have the ability to voice further concerns or additional amendments at the City Council meeting. Director Eddington wanted the Planning Commission to clearly understand that Mr. Tedford's letter had been addressed.

Director Eddington stated that the second Staff Communication item on the June 12<sup>th</sup> agenda was the issue of SR248. He noted that Highway 248 is under construction as a UDOT project to expand and repair the road and to create an HOV lane. The project is currently on schedule.

Based on the number of excused absences submitted, Director Eddington asked how many Commissioners would attend the July 10<sup>th</sup> meeting to make sure they have a quorum. Commissioners Worel, Thomas and Wintzer would be out-of-town. Commissioners Hontz, Gross, Strachan and Savage would attend; therefore, there would be a quorum. Assistant City Attorney McLean asked the four Commissioners who would attend to check the agenda prior to the meeting to make sure they would not have to be recused from any of the items. If that occurred they would have to reschedule the item because the three remaining members would not be a quorum.

Director Eddington noted that the fourth Wednesday in July, which would be their regularly scheduled meeting was the 24<sup>th</sup> of July and a City holiday. Since there were five Wednesdays in July, he proposed to move the second meeting to July 31<sup>st</sup>. The majority of Commissioners would be available and they agreed to change the meeting to July 31<sup>st</sup>.

Commissioner Hontz asked about Planning Commission applications since terms were expiring for three of the Commissioners. Director Eddington explained that the Code is written such that the Commissioners sit as standing members of the Planning Commission after expiration of their term until the City Council accepts applications for their replacement. He recalled a discussion at the last City Council/Planning Commission joint about delaying the application process and leaving the Commissioners standing for an additional six months until the General Plan, Form Based Code, Bonanza Park and other major issues have been completed.

Chair Worel announced that due to the length of the work session and the number of items on the regular agenda, the Planning Commission had agreed to a hard stop of 10:00 to end the meeting, and to continue any remaining items at that time. The applicants on the agenda were given the option to have their items continued immediately instead of taking the chance that their items would not be heard this evening. All the applicants preferred to wait, with the understanding that the item could be continued to the next meeting if it was not heard prior to 10:00 p.m.

Commissioner Thomas disclosed that he would be recusing himself from two agenda items this evening. The first was 124 Norfolk Avenue, and the second was Lots 21-32 Echo Spur.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

### **1. 30 Sampson Avenue – Ratification of Findings (Application #PL-12-01487)**

Planner Matt Evans reported that the Planning Commission reviewed this application on April 24, 2013, at which time the applicant's representative asked to have the item continued. During that meeting the Staff offered testimony from the Chief Building Official, Chad Root, regarding the issue of connecting the elevator shaft to the Main Building via a deck, and whether that would constitute connecting the two building. Mr. Root confirmed that it would be considered a connection between the two buildings. Since that time the applicant sought clarification from the Chief Building Official and asked if it would still be considered a connection if the two structures were somehow independently separate from each other. Mr. Root told the applicant that they would not be considered one building if they were structurally independent from one another.

Planner Evans noted that the applicant also asked Mr. Root for clarification on the basement issue. The Planning Commission had made a finding that the basement was not fully below grade due to the window well issue. Mr. Root provided his opinion based on the Uniform Building Code, that the window wells would not count towards having the basement considered to be above grade. Planner Evans noted that it was only the interpretation of the Chief Building Official and the Planning Commission has the right to make their own interpretation based on their own findings, and the definitions in the LMC.

Planner Evans stated that the same Findings of Facts that applied before still apply, with the exception of eliminating the previous Finding #39, which was the CBO's determination that the structures were somehow connected if the deck structure was to connect to the elevator building.

Jon DeGray, the project architect, was available to answer questions on behalf of the applicant.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thomas stated that the application that came before the Planning Commission had the upper house and the lower house connected. Those were the drawings submitted with the application. He thought the Planning Commission should be voting on those drawings, unless they were being presented with revised drawings that change the design.

Assistant City Attorney McLean stated that the drawings had not been changed; however, the Staff had provided evidence from the Chief Building Official in the Staff report. She recalled that the Planning Commission was prepared to ratify the findings for denial at the last meeting, but the application requested time to meet the Chief Building Official. After further reflection and the fact that the applicant is able to create a separation in the same design, and the Chief Building Official

did not personally testify before the Planning Commission, the legal recommendation to the Staff was to remove Finding #39 because it was not part of the findings the day of the public hearing.

Commissioner Wintzer understood that the Planning Commission would not be voting on the comment on the drawing that changes the original plans. Assistant City Attorney McLean replied that this was correct. The Planning Commission would be voting on what they saw when this application was reviewed in April.

Commissioner Hontz referred to page 158 of the Staff report, and thought Finding of Fact #12 should be revised to reflect similar language as in Finding #11 to read, "The applicant had not submitted a streetscape analysis as required by the Land Management Code." The fact that the streetscape was not presented to Staff was not the finding. The finding is the fact that it was not submitted by the applicant. Commissioner Savage remarked that the list did not include several other things were not included in the application. He thought Commissioner Hontz had made a good point.

Commissioner Hontz referred to page 159, Finding of Fact #21 and asked if the other Commissioners thought the language should be revised to better reflect the intent. The Commissioners were comfortable with the finding as written.

MOTION: Commissioner Strachan moved to Ratify the Finding of Fact and Conclusions of Law contained on pages 158 through 161 of the Staff Report and as amended, to deny the Steep Slope Conditional Use Permit at 30 Sampson Avenue. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 30 Sampson Avenue

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088 square feet, the minimum lot size in the HRL district is 3,570 square feet.
5. The subject property is very steep ranging from flat areas near Sampson Avenue and climbing uphill with slopes reaching between 30-40% before reaching the main body of the lot.
6. The proposal consisted of a single family dwelling of 4,585 square feet which includes a 453 square foot detached garage, a 350 square foot garage entry and

a 106 square foot access tunnel which is located below ground.

7. Plat notes indicate the maximum square footage allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage.

8. A 1998 letter from the (then) Community Development Director Richard Lewis, determined that the 3,000 square foot maximum only applied to the above ground portion of the future dwelling, and that basement areas would not count against the 3,000 square foot maximum so long as they were constructed fully below the finished grade. This letter was recorded on the title of the property.

9. The Land Management Code has been amended numerous times since 1998.

10. An overall building footprint of 2,272 square feet was proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.

11. The applicant submitted a visual analysis, and renderings showing a contextual analysis of visual impacts.

12. The applicant did not submit a streetscape analysis as required by the Land Management Code.

13. The cross canyon view contains a back drop of both structures, a two (2) story home up the hill with a two (2) story garage building in front.

14. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street and provides two (2) legal off-street parking spaces, which meets the minimum parking requirement.

15. The detached garage/elevator building is set back fifteen feet (15') from the front property line, and the main portion of the building (the habitable portion of the overall dwelling) is located approximately 77 feet from the street.

16. At their closest points, the two buildings are approximately nine (9) feet apart from each other and are attached by a deck with footings, which attaches the elevator building to the upper (second) floor of the main house.

17. The proposed height of the main building (home) and the elevator building is twenty seven feet (27').

18. 2,996 square feet of the total 4,041 square feet of building space is above ground.

19. The building locations and the proposed building designs both climb up the hill from Sampson Avenue. The proposal utilizes virtually the entire lot rather than

concentrating the structure on one portion of the lot. The structures by their placement, massing and height are not located on the lot in a manner that reduces the visual impact.

20. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.

21. The proposed home attempts to maximize the minimum setbacks on each of the property lines. The proposed garage building maximizes the setbacks on the front and on the south property line.

22. There is no proposed screening of the home from Sampson Avenue due to the fact that the home climbs up the hill from the right-of-way, and that there is proposed parking and driveway area in front of the garage. There is no proposed screening of the home between the elevator building and the home due to the fact that the applicant has proposed an attached deck and patio connecting the two structures, thus minimizing any screening opportunities with exception of adjacent properties that are already screened by existing “Gamble Oaks” and other existing vegetation.

23. The scope of the project requires extensive retention of the hillside, and no substantial mitigation has been proposed to reduce the detrimental impacts to the hillside and the design is not appropriate to the topography of the site. The revised design provided by the applicant since the original inception shows substantial retention and retaining walls around the south property line and substantial retention and retaining walls around the garage building on the north property line.

24. The visual analysis cannot include what could potentially be built around the proposed home as doing so would be purely hypothetical.

25. The lot analysis presented by staff for Sampson Avenue and adjacent properties to the subject property are irrelevant for comparison because the study only takes into consideration lot size and home size, and does not take into consideration the height, setbacks, mass and scale of existing historic homes located on adjacent property, or nearby properties, including those located within the same District on King Road, thus making the analysis dissimilar for compliance with the LMC and General Plan.

26. The Existing Home Size Analysis for neighboring properties in the Staff Report does not reflect current LMC requirements, and most of the homes in the area were built prior to the current code requirements and considerations, and thus should not be used when looking at comparable home sizes consider that some of the homes in the analysis could not be built under the current LMC requirements.

27. There are existing historic homes as listed in the Historic Sites Inventory near the proposed site on Sampson Avenue, including the adjacent 40 Sampson Avenue, (approximately 1,700 square feet), 41 Sampson which is across the street from the subject property (approximately 900 square feet) as well as nearby 60 Sampson Avenue and 115 Sampson Avenue.

28. The proposal does not meet the purpose statement of the Historic Residential Low (HRL) district, specifically §15-2.1-1(C) preserve the character of Historic residential Development in Park City.

29. The proposal does not meet purpose statement (LMC §15-2.1-1)(E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.

30. The proposal does not meet purpose statement (LMC §15-2.1-1)(F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

31. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(1) “Location of Development” due to the fact that the building locations and the proposed building designs do not reduce visual and environmental impacts because both climb up the hill from Sampson Avenue, and because the proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures are not located on the lot in a manner that reduces the visual impact.

32. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(2) “Visual Analysis” because the proposal does not provide screening, vegetation protection, or other design opportunities that could have been incorporated into the design to help mitigate these issues.

33. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(5) “Building Location” due to the fact that the proposal does not coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize parking areas.

34. The proposal has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(6) “Building Form and Scale” because the applicant is not proposing “smaller components” nor are they proposing low-profile buildings that orient with the existing contours. Both buildings are large and are not broken into the smaller components as encouraged by this sub-section of the LMC.

35. The proposed has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(7) “Setbacks” due to the fact that the proposed setbacks only help to maximize the building site and are not compatible with other historic structures in the neighborhood.

36. LMC §15-2.1-6(B)(7) requires that the variation in setbacks will be a function of the site constraints, proposed building scales and setbacks from adjacent structures, and the proposed buildings do not consider the site constraints and thus cannot be substantially mitigated.

37. The proposed home has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(8) “Dwelling Volume” due to the fact that the proposed basement adds significant volume to the building, which was an issues that was raised by the City Council in the minutes of the 1994 City Council meeting to approve the Subdivision that created the subject lot.

38. The proposed home is not compatible with existing historic homes in the neighborhood with respect to height, setbacks, mass or scale, and the proposed home and garage buildings offer no substantial mitigation measures necessary to show compatibility with the nearby existing structures.

39. Height within the HRL District is limited to three (3) stories, and the proposal is for two buildings a main structure (home) and a garage with an elevator building that connects to the home by a patio and a deck. The two buildings appear by their placement to be a five (5) story building. Connecting the buildings in this manner does not meet the intent of the LMC §15-2.1-5(B).

40. The basement proposed does not meet the criteria for not having it count against the overall building size maximum of 3,000 square feet as noted on the 1995 Millsite Supplemental Plat, because there are windows and a window well in the basement, making the basement not fully below grade, which was the criteria as described in the Plat note for the property, as stated in Finding of Fact #8.

41. The visual mass of the proposed dwellings have not been mitigated by this home design.

42. Additional parking beyond the minimum two (2) required spaces might be necessary due to the location of the home on a sub-standard street that offers no off-site parking.

43. This Ratification was continued from the April 24, 2013 Planning Commission meeting.

#### Conclusions of Law – 30 Sampson Avenue

1. The proposed development does not meet the “Purpose” of the HRL District, specifically with respect to LMC §15-2.1-1(C)(E) and (F).

2. The proposed does not meet the criteria for development on steep slopes, specifically Land Management Code §15-2.1-6(B)(1-2), and (6-9).

3. The proposal is not historically compatible with other buildings within the HRL District, or areas nearby with respect to setbacks, height, mass or scale.
4. The proposed development does not meet the intent of the maximum height requirement restriction of no more than three (3) stories as required in LMC §15-2.1-5(B).
5. The reasonably anticipated detrimental effects of the proposed home and garage buildings on a steep slope cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with the applicable standards specifically LMC §15-2.1-6(B)(1-2) and (6-9).

#### Order

The Steep Slope Conditional Use Permit for the proposed new single-family dwelling 30 Sampson Avenue is hereby denied for the reason specified within the Findings of Fact and Conclusions of Law listed herein.

#### **2. 415 Deer Valley Drive – Plat Amendment (Application PL-13-01910)**

Planner Matt Evans reviewed the application for a plat amendment to combine four Park City Lots and two partial lots into one new lot of approximately 8200 square feet. There is an existing home on the property and the applicant is contemplating an addition to the home. In order to achieve the addition the applicant is required to consolidate the lots into one parcel.

Planner Evans distributed copies of an illustration and noted that the green color identified what exists on the site and the blue color indicated what was being proposed. He had also added a proposed deck.

Planner Evans stated that the applicant was also aware that the back part of the property, which has frontage on to platted, but unbuilt Coalville Avenue, is a steep area and they do not contemplate future development in that area. Therefore, the applicant proposes a non-building limit just beyond the hot tub. The area is approximately 3,375 square feet or 60' x 56.25 feet.

Planner Evans noted that page 189 of the Staff report incorrectly showed the lot width as 50 feet. The correct lot width is 56.25.

Commissioner Savage asked if the unbuildable area described included the setback areas. Planner Evans replied that this was correct. He explained that the setback area was shown on the illustration to give an idea of how the house fits within the setback area now, as well as what the applicant was proposing. He stated that the setbacks were the typical 5-foot, 10-foot rear, 15-foot front yard setbacks as required by the zone.

Planner Evans remarked that the garage encroaches over the front property line. As indicated in the Staff report, there is a discrepancy between the built right-of-way and the actual platted right-of-

way of approximately 30 feet, and it occurs where Deer Valley and Heber Avenue meet. Planner Evans believed the house was built around 1977. The applicant would be required to obtain an encroachment agreement from the City Engineer for the garage as it currently extends over the front property line.

David White, the project architect, was available to answer questions on behalf of the applicant.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz stated that if the plat amendment was approved and the applicant proposed new additions, with the garage already has a zero setback, she asked if they would be further impacting a non-conforming use. Planner Evans stated that if the applicant wanted to do anything with the garage, including tearing it down, she would be required to conform to the setback requirement.

Assistant City Attorney McLean explained that under there is a non-conforming use section under the Code which states that the degree of non-conformity cannot be increased. Any change to the garage would have to comply with that Code section.

Commissioner Hontz asked about fencing. She noted that one of the neighbors had fenced around their entire hillside and it is an eyesore and it impedes wildlife movement. She recommended that they prohibit fencing along the proposed non-buildable area or behind the deck.

David White noted that the original site plan shows a fence along both sides of the property line. He asked if the existing fence would have to be taken down. Commissioner Hontz pointed out that the existing fence belongs to the neighbor. Diana Thompson, the applicant, stated that there are stacks of wood in areas where the fence has come down. She was unsure who owned the fence. Mr. White informed Ms. Thompson that the fence was shown on her property. He noted that on the east side the fence was shown going up as far as the hot tub. On the west side it was shown going all the way up.

Director Eddington thought it looked like the neighbor's fence was on Ms. Thompson's property. The Commissioners agreed. Commissioner Hontz assumed that the applicant would not want the neighbor to rebuild the fence on her property. Therefore, the neighborhood would have to go through the process to build the fence on their property.

Assistant City Attorney McLean pointed out that the Code only requires permits for fencing over 4 feet.

Commissioner Hontz referred to page 193 of the Staff report, Finding of Fact #11. She felt the language was confusing and the finding should be revised to indicate that future development must meet the setback requirements at the time of application. Commissioner Hontz corrected Condition

of Approval #6 to indicate that there was only one ten foot (10') wide public snow storage easement. The word "easements" should be changed to "easement."

Commissioner Strachan thought Finding of Fact #11 could be deleted because the Code would address the setbacks for future development. Commissioner Hontz agreed.

Director Eddington suggested a revision to Finding # 7 to replace the word "non-conforming to with "non-complying". The revised Finding would read, "The homes is **non-complying** with respect to the front yard setback requirement, and the existing garage has a zero foot setback where fifteen feet is required."

Commissioner Hontz asked if the Commissioners thought Condition #4 needed further clarification regarding the non-buildable area and fencing. Director Eddington recommended adding a sentence to Condition #4 stating that, "This no-build area shall include all structures (e.g. buildings, fencing, etc.). No vegetation shall be disturbed in this area." The Commissioners were comfortable with the revision to Condition #4 as stated.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment a 415 Deer Valley Drive based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 415 Deer Valley Drive

1. The property is located at 415 Deer Valley Drive within the Residential (R-1) District.
2. The overall property is made up of four (4) full Park City Survey Lots and two partial lots totaling 8,437 square feet.
3. There is an existing home on the property that straddles two lots.
4. The applicant is proposing to combine the lots in order to construct a rear addition to the home, as well as an interior remodel. The plat amendment is necessary due to the fact the home straddles two lot lines and the required setbacks would encroach on the other two lots (as well as the partial lots).
5. Although the existing home is near Old Town, it is not historic and is not identified on the Historic Sites Inventory.
6. There is a discrepancy between the platted location of where the Heber Avenue and Deer Valley Drive rights-of-way converge and the physical location of Deer Valley Drive, which has left a gap of approximately twenty-five to thirty feet (25'-30') between the street and the garage.

7. The home is non-complying with respect to the front yard setback requirement, and the existing garage has a zero foot (0') setback where fifteen feet is required.

8. The property has frontage onto both Deer Valley Drive and Coalville Avenue. However, Coalville Avenue is not a built roadway, and is likely never to be built due to the steep terrain of its location.

9. The proposed lot meets and exceeds the minimum lot size established in the R-1 District, as the minimum lot size is 2,812, and the proposed plat amendment will create a lot of 8,437 square feet.

10. Potential development on the property is limited by the steep terrain in the rear. For this reason, the applicant has voluntarily agreed to limit the potential development area within the back 60 feet of the proposed lot.

#### Conclusions of Law – 415 Deer Valley Drive

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

#### Conditions of Approval – 415 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Modified 13-D sprinklers will be required for new construction as required by the

Chief Building Official at the time of review of the building permit.

4. A proposed no-build area shall be shown on the final mylar which delineates the rear sixty feet (60') of the lot as a "non-buildable area." This no-build area shall include all structures (e.g. buildings, fencing, etc.). No vegetation shall be disturbed in this area.

5. The garage encroachment agreement from the City Engineer will be required prior to the recording of the plat.

6. A ten foot (10') wide public snow storage easement will be required along the Deer Valley Drive side of the property only.

**3. 124 Norfolk Avenue – Plat Amendment  
(Application PL-13-01880)**

Commissioner Thomas recused himself and left the room.

Planner Astorga reviewed the application for a plat amendment to accommodate an addition to an existing non-historic structure at 124 Norfolk. The request was to combine 2-1/2 Old Town lots into one lot of record. Summit County records indicated that the existing structure was built in 1981 and it was constructed over two lot lines.

Planner Astorga reported that the applicant had also submitted a Historic District Design review for a proposed remodel and a small 46 square foot addition to the existing house, but within the current footprint, which is 2-1/2 lots of record. Planner Astorga pointed out that the applicant could not move forward with a remodel or the addition until the platted lot lines are moved.

Jonathan DeGray was present to answers questions on behalf of the applicant.

The Staff recommended that the Planning Commission conduct a public hearing, review the application and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Chair Worel asked about the encroachment of the retaining wall onto 52 King Road, as stated in the Staff report. Planner Astorga replied that a wood tie retaining wall encroaches onto the property by a foot or less. He noted that a condition of approval requires the applicant to resolve the issue by working out an encroachment agreement with the neighboring property owner. Removing the retaining wall would be another option if the applicant and the neighbor could not come to an agreement. Chair Worel asked if removing the retaining wall was realistic. Planner Astorga replied that it was not a realistic solution, but the adjacent property has to approve the encroachment of the wall in its existing location. He noted that it could become a civil issue between the two owners. Planner Astorga pointed out that if the applicant could not resolve the issue with the neighbor, the retaining wall would need to moved and relocated fully on their property.

Commissioner Strachan asked if the addition to the house would come back for a CUP. Planner Astorga answered no, because the proposed addition would be less than 1,000 square feet and the addition itself would not be on a steep slope.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

Commissioner Strachan reiterated the need for a Land Management Code change for the standard of plat amendments. In his opinion, Good Cause was nowhere near being stringent enough.

Commissioner Gross requested that for future applications the Staff label and identify the site better. Planner Astorga noted that it was an issue they have with the PDF. The mark- ups do not show up when the exhibits are printed. He would try to rectify that for the future.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the 124 Norfolk Subdivision Plat amendment, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The Motion passed unanimously. Commissioner Thomas was recused.

#### Findings of Fact – 124 Norfolk Avenue

1. The property is located at 124 Norfolk Avenue.
2. The property is located in the HR-1 District.
3. The proposed lot is 4,687.5 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is sixty two and a half feet (62.5').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The maximum footprint for a lot this size is 1,801 square feet.
8. The site contains a single family dwelling.
9. The applicant would like to remodel the existing non-historic structure.
10. The existing non-historic structure was built over two (2) lot lines.

11. There are no other violations or non-compliances found on the site.
12. No remnant parcels of land are created with this plat amendment.
13. According to the certified Existing Conditions & Topographic Survey, a wood tie retaining wall encroaches onto the neighboring property, 52 King Road.
14. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 124 Norfolk Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 124 Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment (or Record of Survey) for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The applicant shall resolve the wood tie retaining wall which encroaches onto 52 King Road by obtaining an encroachment agreement from that neighboring property owner or by removal of the wood tie retaining wall before the plat recordation.
4. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the Property's frontage on Norfolk Avenue.

4. **489 McHenry Avenue, Echo Spur – Plat Amendment**  
**(Application PL-12-01629)**

Planner Astorga reviewed the application for Lots 17, 18 and 19 of the Echo Spur Development Replat located at approximately 489 McHenry Avenue, which is to be known as Echo Spur Drive in the future. The request is to combine the three Old Town lots into one lot of record.

Planner Astorga reported that the Planning Commission reviewed this request during a work session on September 12<sup>th</sup>, 2013. The various items discussed at the work session were outlined on page 214 of the Staff report. A site visit and another work session were held on December 12<sup>th</sup>. Items for discussion included specific questions related to the road dedication, the 2007 Settlement agreement, discussions regarding ridgeline development, a vantage point analysis, and possibly placing a square footage limitation on the proposed plat amendment and future plat amendments for the adjacent property owners to the south. The discussion also addressed traffic and access, and height and topography.

Planner Astorga stated that the applicant was proposing to build a single-family dwelling over the three lot combination of these platted historic Old Town lots. The applicant was not interested in building a duplex and has already moved forward with plans to build a single-family dwelling. Planner Astorga noted that the applicant had submitted a model that was prepared by his architect.

Planner Astorga reviewed the plat amendment and the associated exhibits. He presented an Alta Survey that was done on a previous submittal. The Alta Survey showed the original topography before the road was built. Planner Astorga reviewed the plat map showing the three lots at the very end of what is being called Echo Spur Drive.

Planner Astorga reviewed a vantage point analysis provided by the applicant. He clarified that Deer Valley Drive was not an official vantage point; however, the applicant had submitted the analysis to show the project would look from Deer Valley Drive from the roundabout, as well as a closer view. The applicant had also submitted a cross-valley view analysis showing the approximate elevations from PCMR.

Commissioner Savage asked Planner Astorga to further explain the cross-valley analysis. Planner Astorga stated that as defined in the LMC, the point of the ridge analysis from various vantage points is to determine whether or not it the structure breaks the skyline. If it does, it creates an issue. The applicant had taken the photograph from the same elevation on the opposite side of the valley.

Commissioner Wintzer assumed the proposed house would come down to the lowest lot. Commissioner Savage asked if the house was modeled into the photograph presented. Planner Astorga answered no. Commissioner Savage asked if they would eventually see it modeled into the photograph.

Scott Jaffa, representing the applicant, explained that the analysis was only done to show that the site did not break the ridgeline. The house would be located further down the hill. Commissioner Savage asked where the photo was taken from. Mr. Leeto Tlou, the applicant, replied that it was taken from the Green Condos on the Aerie, which is an equivalent elevation to the site.

Planner Astorga clarified that there was no dispute with the elevation. The issue is that the elevation goes down and then up again on both sides, regardless of whether it is viewed from east to west or north to south.

Planner Astorga reviewed the elevations. Mr. Jaffa stated that the houses in front were the existing elevations that were surveyed on those homes. The proposed single-family house would be behind those homes. They had projected how the neighborhood would look at build-out.

Planner Astorga noted that the Staff and applicant had spent time reviewing the minutes from the September 12<sup>th</sup> and December 12<sup>th</sup> meetings, and believe they have addressed all the concerns.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval. Planner Astorga stated that if the Planning Commission were to forward a positive recommendation and the City Council approved the plat amendment, the application would have to come back to the Planning Commission for a Steep Slope CUP.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Wintzer questioned how the Staff could find that it was not on the ridgeline. Going through the topo map and what he saw on Google Earth, he was certain it was a ridge. He could run a pencil lines down the contour line on the map provided as an exhibit and it was clearly a ridge.

Planner Astorga replied that they were calling it a ridge and read the language on page 217 of the Staff report. "The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City." He stated that of the ten listed vantage points, the only one that would qualify as being visible was the cross valley view. Commissioner Wintzer noted that the Staff report also states that, "The Staff does not consider this area to be a ridge due to the difference in the ridgelines." He disagreed with that statement.

Planner Astorga stated that the Staff could change that specific finding based on the statement read from page 217. He clarified that it would be a ridge; however, it is not a ridge that needs to be protected because as viewed from the cross valley view it does not break the skyline.

Commissioner Wintzer emphasized the importance of having it defined. They have all said that ridges are the most important views in Park City and they cannot choose to say this was not a ridge but argue that the next application is a ridge. They need to call it a ridge and specify the reasons why it can be developed on. Planner Astorga commented on development that has already occurred on that ridge.

Commissioner Hontz pointed out that some of those developments may have come in before the ridgeline Code. She knew for sure that most of the developments came in before they had the

Steep Slope CUP, which would have affected where those could have been built and probably would have restricted them from going as high up on the ridge. Planner Astorga agreed. However, he noted that most of those developments would not break the skyline. Commissioner Hontz did not believe those developments set a precedent because they were done under a different Code and a different time. They could not be compared.

Commissioner Wintzer stated that if the Planning Commission were to approve this plat amendment, he wanted to make sure they had a good reason they could defend on the next ridgeline.

Assistant City Attorney McLean stated that with the surrounding developments, it would be challenging to defend a lawsuit. She recognized that things have been built over a series of years, but some of it was built recently.

Commissioner Hontz referred to page 243 of the Staff report, the minutes of September 12, 2012, fifth paragraph, and the question she had asked about the road. As reflected in the minutes, she was told that it would go before the City Council for dedication in December 2012. She noted that when the Planning Commission visited the site it still had not been done and she asked if progress has been made. Planner Astorga replied that there was some progress. The City Engineer, Matt Cassel, intend to have the City Council review it during a meeting in May and accept the road and dedicate it. However, the City Council decided to move the item to a date in September. Planner Astorga reported that he had received additional clarification from Matt Cassel that if for some reason the City Council does not accept the road, it would then become a private drive.

Commissioner Hontz pointed out that in September 2012 the Planning Commission was told that there were issues with that road that would have to be addressed, paid for, managed and mitigated. In December 2012, as reflected in the minutes on page 255 of the Staff report, they were told that there were issues with the road. She noted that the issues are still pertinent and it road is still not dedicated to the City. Commissioner Hontz stated that it would be an entire year from the first time the Planning Commission heard it and the issues still remain. There are obviously problems and she had concerns related to the safety of that road as well as the roads around it.

Council Member Alex Butwinski explained that there were two primary issues. One is that the gate at the end of the road was not adequate and it basically ended in a cliff. The City Council had other issues with accepting the road itself, such as the retaining wall and how it was mitigated. The City Council also wanted time to discuss whether or not they had any recourse for the way it was mitigated.

Commissioner Wintzer asked if the City Council would eventually accept it as a City road. Council Member Butwinski stated that it would depend on what the Staff comes back with in September. He recalled that safety was the main reason for the delay. Council Member Butwinski stated that there was an issue that the aesthetics of the wall and the way it was built did not conform. The wall started to fail and it was mitigated again, but not to their satisfaction.

Commissioner Hontz asked about the bond for the landscaping. Council Member Butwinski stated that the applicant could have bonded for that but the City decided not to.

Commissioner Wintzer referred to page 294 of the Staff report, and asked for the dimension from the lowest lot line to the house and the setback. Mr. Jaffa replied that it was 15-feet. The Code requires 10-feet.

Commissioner Thomas asked if all the topos were taken off of the Alta Survey that were done by Jack Johnson. He also asked if the existing natural grade had been documented based on the Alta Survey. Planner Astorga stated that the discrepancy between the Alta Survey and the other survey was a 6-foot difference from the highest to lowest elevation.

Commissioner Hontz pointed out that the front yard setback would be Third Street. Planner Astorga stated that if that were the case, the minimum setback would be 10-feet. Commissioner Thomas recommended that they establish that for the applicant moving forward. Planner Astorga remarked that if this plat amendment is approved, a condition of approval would prohibit access off of Third Street. Commissioner Hontz clarified that every time this application came before the Planning Commission, access from Third Street has been a significant concern. Planner Astorga replied that the Staff heard her concerns, which is why they added the condition of approval prohibiting construction and access.

Commissioner Hontz stated that as she goes through the previous minutes and details the Planning Commission's concerns and issues, she did not believe any of their requests or issues had been addressed. In her opinion, the design does not do enough to mitigate the ridge. Commissioner Hontz stated that the issue is not whether or not it breaks the skyline. The issues relates to LMC Section 15-7.3-1(D) Subdivision requirements, where the Planning Commission can place restrictions due to the character of the land. She believed the LMC requirements make it very challenging to build on these lots in this manner.

Commissioner Hontz had concerns about the road dedication. Based on their capabilities in terms of reviewing a plat, the streets master plan, street development patterns and public health, safety and welfare are issues they can take into consideration. Those issues have not been addressed because they do not know whether the road and the retaining wall are safe and would be accepted by the City. She personally preferred that they not be accepted because she would not want the taxpayers to pay for any of that moving forward; however, it stills needs to be safe.

Commissioner Hontz commented on the landscaping and stated that the bare retaining wall from all the vantage points is a concern. She noted that in addition to the combination of these lots, they have to take into account the other lots in the vicinity, which was an application they would discuss later this evening. They need to consider how the cumulative impacts of these plat amendments would impact the neighborhood. Commissioner Hontz referred to page 256 of the Staff report and noted that the first, third, and fourth paragraphs mention that Third Street is a dedicated roadway that is unacceptable for access, and the traffic impacts generated from this one proposed house. She pointed out that it was a public health, safety, and welfare good cause limitation that the Planning Commission needed to understand before they could move forward. She reiterated that none of the issues have been addressed and they keep coming back.

Planner Astorga asked if the other Commissioners concurred with Commissioner Hontz. Commissioner Wintzer agreed with her comments with the exception of traffic. These are platted lots and thought it would be difficult to say that the roads do not accommodate the lots; particularly since the applicant was reducing the density from what could be built. Commissioner Hontz clarified that she based her comments on the plat amendment checklist, which indicates that the Planning Commission can use the streets master plan and their limitations as substandard. In her opinion, the roads are dangerous, which is much worse than substandard. She did not believe the burden should be on the public to accommodate any extra traffic that might be unsafe to themselves or to others.

Commissioner Savage questioned the statement that it should not be the burden of the public to make sure that the roads to platted lots are safe. Commissioner Hontz replied that it was her personal opinion, but she felt the burden should be on the developer if they want to develop the property. The road is not suitable, which is why the City has not accepted it as a public road.

Commissioner Savage understood that the road would either be integrated into the City public road system or not. If not, the developers would be responsible for it as a private road, and he assumed the City Engineer would have oversight to make sure it adhered to a certain level of standards related to health, safety and welfare.

Assistant City Attorney McLean understood that the road has been built to City standards. Commissioner Wintzer argued that her understanding was not quite correct. The road failed once and it was corrected; therefore, he was uncertain whether it was built to City standards. Commissioner Wintzer pointed out that it was an issue for the City Engineer and not the Planning Commission.

The applicant, Leeto Tlou recalled from another meeting that the City Engineer had said that Rossi Hill and the proposed Echo Spur were built to Code, and that Ontario was the only substandard road. Commissioner Wintzer believed that both Rossi Hill and Ontario were substandard streets.

Commissioner Savage commented on the ridgeline issue and noted that the current Code is ambiguous as to the definition of a ridge line. He noted that Planner Astorga had tried to provide examples of the current definition as it relates to breaking the skyline from various vantage points, which was better than nothing. He agreed with Commissioners Wintzer and Hontz, that if you look at the piece of property within the context of a relatively small geographic area, it is an elevated feature. In the process of working on the next iteration of amending the Land Management Code in conjunction with the General Plan, Commissioner Savage thought it was important to come up with a geometric model that defines whether something is or is not a ridgeline within the context of a topological map of the area and certain agreed to distances from which that metric would be measured. As opposed to taking photographs, it would produce a straightforward topological analysis. Commissioner Savage stated that on every topological map things go up and things go down. Wherever something goes up, stops and starts going down could be called a ridgeline. He pointed out that it can happen on a large or small scale, and the Planning Commission needs to determine how they want it defined in a way that is consistent with the objectives of how they want development to proceed as a consequence of the revisions of the General Plan.

Planner Astorga remarked that another provision in the Code, the Sensitive Lands Overlay, talks about various features such as waterways, etc., and it mentions specific mitigation and prohibiting construction on specific ridgelines. He noted that this property was not within the Sensitive Lands Overlay which would prohibit such development on these geographic features.

Commissioner Savage stated that he was not in favor of allowing people to build houses on ridgelines. However, he was also not in favor of prohibiting people from building homes in areas where there may be a ground swell that could be conceived as a ridge by looking at a relatively close-in topological map. Commissioner Savage thought it was important to resolve that issue in an appropriate way in the LMC. The Staff would be able to do the analysis and the result would be black and white without any ambiguity.

Commissioner Thomas agreed with the idea of being able to define a ridge in both written word and geographically on drawings. However, that is a future process and they needed to resolve the current issue. He stated that 100 years ago they would have defined it as a ridgeline, but as it was pointed out early, now it would not be defensible in a court case. Commissioner Thomas was comfortable with the ridgeline aspect.

Commissioner Strachan believed it was a ridgeline from the beginning as evidenced in previous minutes. However, that would be the end of the analysis, assuming the applicant would get enough votes to move forward. Commissioner Strachan felt the good cause standard could not be met because of the unique attributes of the site. Good cause standards require mitigation of the negative impacts. The Planning Commission has not been able to see how combining these lots together would mitigate the impacts. They have seen a proposal but no mitigation solution efforts. They have also seen health, safety and welfare concerns with the road and the access on the substandard streets. Commissioner Strachan questioned how they could find good cause for this plat amendment. He stated that without the combination, if they were kept as three separate lots, they would still have the problems of substandard streets, building on a ridgeline and mitigating the negative impacts that would be caused by building in that location.

Regarding the fact that other houses were built around the ridgeline, Commissioner Strachan stated that the problem was that a prior owner came in and destroyed the ridgeline. Therefore, the other houses viewed at this point in time all look different than they would have if that ridgeline had remained intact. He did not think they could say it did not violate the Code because other houses exist around it and there is no ridgeline. He believes it violates the Code now and it certainly would have violated the Code before any illegal activity of removing the ridge occurred. Commissioner Strachan thought the applicant had an uphill battle on Good Cause.

Mr. Tlou how much weight the Planning Commission puts on documentation, the LMC, the vantage points and documentation to support, and the professional opinions of others versus a declaration of I'll know it when I see it. Commissioner Strachan replied that it is not a simple declaration that it is a ridgeline, because there is a ridgeline definition in the Code that says, "Breaks the skyline from certain vantage points." It defines the vantage points and one is the cross canyon view. He noted that the Staff report contained a cross canyon view, which is objective documentation of a violation of the ridgeline ordinance. Commissioner Strachan stated that regardless of whether the applicant

had pictures taken from other vantage points that did not show ridgeline violations, if there is a ridgeline violation from the cross canyon view or any of the formal vantage points outlined in the Code, they could not build on it.

Commissioner Savage was unclear why Commissioner Strachan thought the cross canyon view showed that the house would break the skyline. Commissioner Strachan clarified that the broken skyline is one that is created by the ridge they were proposing to develop on or around. Mr. Tlou stated that if that is the skyline that is broken and it is declared a ridgeline, anything over 150 feet in any direction could not be built upon. Commissioner Strachan replied that this was correct based on his reading of the Code.

Commissioner Savage stated that from his reading of the Code, the house shown on the left-hand side of the slide did not break the ridgeline from that particular vantage point, which differed from Commissioner Strachan's opinion. However, if he were to move closer and close to the house and his relative perspective gets larger and larger, it would eventually break the skyline and he would see the shape of the house in the sky. Commissioner Strachan pointed out that Commissioner Savage would no longer be cross across canyon if he moved closer and closer to the house. Commissioner Savage stated that in looking across the canyon, the ridgeline that you see according to the skyline is the highest most ridgeline. That is the ridgeline that meets the sky. He did not think it was every ridgeline below it. Commissioners Hontz and Strachan disagreed. The Commissioner discussed several examples with differing opinions on what breaks the skyline.

Commissioner Savage stated that as a practical definition of ridgeline as something that intersects the skyline, there is no way to convince him that the cross valley view is a skyline.

Commissioner Thomas stated that in his mind there was no doubt that it was a ridgeline based on the topography seen from an aerial photo. He pointed out that whether or not the house breaks the skyline depends on where you stand. Commissioner Savage agreed. His point is that the Staff had done an analysis consistent with the definition in the Code. According to their interpretation, the house does not break the skyline from any of the vantage points. Commissioner Savage agreed that it was a ridge, but he also agreed that it did not break the skyline. Commissioner Strachan stated that the Code does not use the word "Skyline". He read the definition of a ridgeline area from the LMC, "The top ridge or crest of a hill or slope." Crest of a hill is defined as, "the highest point on a hill or slope that is measured continuously throughout the property. Any given property may have one crest of hill." He reiterated that Skyline is never mentioned.

Planner Astorga referred to LMC Section 15-7.3-2(D) and the language that mentions skyline. Commissioner Strachan read the languages, "...which development would be visible on the skyline from the designated vantage points." He pointed out that skyline was not in the definition of a ridgeline. Commissioner Hontz stated that the paragraph she was reading had other concerns for subdivision, including ridgelines. She had identified other general health, safety and welfare concerns related to that and not just the ridgeline issue. She agreed with Commissioner Strachan that the ridgeline definition was not tied to the skyline.

Commissioner Savage stated that if the ridgeline does not include a skyline based definition, he estimated that 50% of the homes in Park City violate the definition of ridgeline.

Planner Astorga clarified that he was not disputing that this was a ridgeline or an elevated feature. However, the language in LMC Section 15-7.3-2(D) stated that they shall protect ridges which will be visible on the skyline from a designated vantage point. In this case, the structure would not be visible from nine of the ten vantage points. The tenth vantage point where it was visible was the cross valley view. Commissioner Strachan did not think it was possible to ever break the skyline on a cross valley view. Commissioner Savage disagreed.

Since the Commissioners had agreed to a 10:00 stop time and it was evident that this item needed further discussion, Assistant City Attorney McLean advised the Planning Commission to conduct a public hearing and continue the item to the next meeting.

Chair Worel opened the public hearing.

Sean Kelleher commented on the wall and the road. He stated that the wall was completed approximately two years ago and it has gone through the last two winters. He explained that the road was not brought to dedication because the City Engineer, Matt Cassel, was very sick last fall and the entire process was delayed. Mr. Kelleher stated that everything done for both the wall and the road were done to Mr. Cassel's specifications. He noted that the retaining wall was entirely rebuilt after it collapsed and it was rebuilt to the City specs. The road was always fine, but they spent the last year working on bullet points to make sure some of the minor elements were addressed. Mr. Kelleher stated that Matt Cassel had recommended that the City Council accept all the infrastructure. At the time that was done, two remaining items were in the process of being complete. One was the barrier at the end of the road, which is now complete. The second was the removal of landscape. Mr. Kelleher remarked that the City remains fully bonded with a deposit for more than the value of what is left to do. They plan to take it back to the City Council for acceptance within the next few months. He pointed out that the road was built with a sidewalk and to the right width. Therefore, he could not imagine why they could consider the road or the retaining wall to be substandard.

Commissioner Wintzer indicated two large planters at the bottom of the retaining wall. He was always under the impression that they would be planted with landscaping that would screen the concrete face of the wall.

Mr. Kelleher understood that originally it was part of the landscaping plan, but that was before he became involved. In discussions with the neighbors, they adjusted some of the landscaping to the top of the wall and along the sides too meet the requests of the neighbors.

Commissioner Wintzer suggested that putting landscaping in those planters would soften the wall and make it a nicer looking project.

Mr. Kelleher understood from Matt Cassel that acceptance of the infrastructure and whether the road is public or private was a separate issue from any of the replats being discussed in Echo Spur.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the plat amendment for 489 McHenry Avenue to July 10, 2013 with direction to Staff to clarify and state the interpretation of the ridgeline requirements and analysis with respect to this particular application and in general, with respect to the current generation of the Land Management Code.

Planner Astorga was concerned that July 10<sup>th</sup> would not give the Staff or the applicant time to address the issues and meet the deadline for the Staff report.

Assistant City Attorney McLean suggested that the Planning Commission provide their direction to Staff and then make a motion to continue. Commissioner Savage withdrew his motion.

Commissioner Savage pointed out that there was a fundamental disagreement between certain Commissioners as to what the appropriate definition of a ridgeline and its interpretation within the context of the LMC, and it was causing polarity on this particular application. He did not think the Commissioners could resolve the issue amongst themselves without further clarification from Staff regarding the basis for their interpretation. Commissioner Savage stated that his direction would be for the Staff to clarify, substantiate and make their position known so the Planning Commission could understand it and decide whether or not they agree with it.

Commissioner Wintzer stated that his concern with combining the lots was the ridgeline encroachment on Lot 19. It is a plotted lot with access to a street. By combining the lots and going further down the hill, they increase the ridgeline encroachment. If the applicant was willing to increase the setbacks on the downhill side as a way of mitigating some of that on Lot 17, he thought they could find a way to make it work by controlling how far it goes down the hill. If the applicant was willing to look at decreasing the setback, he would feel like they had tried to mitigate the ridgeline encroachment.

Commissioner Thomas agreed with Commissioner Wintzer about mitigating the effect of the ridgeline. He noted that as it gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

Commissioner Strachan thought the analysis of the ridgeline on page 217 of the Staff report was the Staff's best attempt at their interpretation of the ridgeline ordinance, and he was comfortable with that. He also agreed with Commissioner Wintzer. If they could pull back Lots 17 and 18 from the nose of the ridgeline it might resolve the problem.

Commissioner Savage supported the interpretation of the ridgeline analysis that was incorporated in the Staff report. He personally could see no reason to modify the application design in a way that changes the boundary conditions on the lot to change the ridgeline encroachment. In his opinion, if it encroaches it should not matter by how much. It was either encroachment or not encroachment.

MOTION: Commissioner Hontz moved to CONTINUE the plat amendment for 489 McHenry Avenue to July 31, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Due to the late hour and the earlier decision for a 10:00 p.m. stop, the remaining agenda items were continued.

**5. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3 and Chapter 2.16 regarding Building Height (Application PL-13-01889)**

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the LMC Amendments to July 10, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**7. Lots 21-32, Echo Spur – 9 Lot Subdivision (Application PL-12-01717)**

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE Lot 21-32, Echo Spur 9 lot subdivision to July 10, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed 6-0. Commissioner Thomas abstained.

The Park City Planning Commission meeting adjourned at 10:30 p.m.

Approved by Planning Commission: \_\_\_\_\_



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 10, 2013

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Jack Thomas, Brooke Hontz, Stewart Gross, Mick Savage, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planning Manager; Francisco Astorga, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

**ROLL CALL**

Vice-Chair Thomas called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Strachan and Worel who were excused.

**ADOPTION OF MINUTES**

June 26, 2013

Two Commissioners had been recused on certain items and could not vote on the minutes. Therefore, the Planning Commission did not have a quorum and adoption of the minutes was continued to the next meeting.

MOTION: Commissioner Hontz moved to CONTINUE the minutes of June 26, 2013 to the next meeting. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously. .

**Public Input**

Jim Tedford remarked that the LMC amendments for Section 15-16 that were scheduled before the City Council the next evening were very encouraging. However, he recalled a previous discussion and changes related to open space and asked for the status of the open space amendments.

Director Eddington remarked that the Staff was request to re-examine the definitions for open space and match the definitions in the General Plan. The Planning Commissioner would be addressing the open space amendments at a later date.

Mr. Tedford commented on two proposed changes to Section 15-11- Pre-application Conference and 15-12 - Additional Duties, which he had submitted in a letter in January and again in May. At that time he requested that the Planning Commission initiate the proposed changes, which they are allowed to do per Code based on a citizen request. He asked for the status of his submitted proposed changes.

Director Eddington noted that the Staff had analyzed the changes Mr. Tedford proposed in his letter. Based on direction from the Planning Commission, the Staff simplified some of the initial recommended language for MPDs; however, Mr. Tedford's proposal was not incorporated into the language that was forwarded to the City Council. Director Eddington believed the language could be revised as they look at the MPD in detail with regard to open space. Mr. Tedford noted that his request was not about open space. Director Eddington replied that open space was only one of a number of amendments that would come back to the Planning Commission.

Mr. Tedford clarified his proposal addressed Section 15-11, Historic Preservation and the cause that deals with exceptions and how "each application shall comply with all design guidelines for historic district and historic sites unless..." and in his letter he had redlined what he thought should be eliminated. The next proposed change was to Section 15-11 – Additional Duties where he proposed revising the language to read, "The Historic Preservation Board at the direction of the City Council may participate in the design review of any project located within the Historic Zones." He noted that it was a change from "...review of any City-owned projects..."

Mr. Tedford requested to be notified when the Planning Commission would be discussing the two proposed changes so he would have the opportunity to explain his rationale.

Director Eddington noted that Section 15-11, the HPB section of the LMC, was not advertised because the Staff had not proposed changes to that section. He believed Mr. Tedford had tied his comments to the MPD discussion that was occurring at the time. The Staff would include it with the next round of LMC discussions and properly notice it. Director Eddington explained that currently the HPB sits as an appeal body. If they were to get involved in design review on private projects the City would have to change its procedure, which would require significant changes to Section 15-11, the HPB.

Director Eddington offered to make sure Mr. Tedford was noticed when that discussion takes place. He anticipated that it would be several months before the Planning

Commission would see any changes to the LMC because they were currently working on Form Based Code and the General Plan.

Mr. Tedford commented on the proposed General Plan that was posted on the website. He was very familiar with the old General Plan and he was not convinced the new General Plan was quite as strong. Mr. Tedford referred to Goal 15, Principle 15(b), Maintain contacts and scale of local historic districts with compatible infill development. He believed that was very good for what already exists and what they wanted to maintain. However, in terms of new projects, compatibility needed to be stressed.

Mr. Tedford referred to Goal 16, Principle 16(d) Limit uses within the first story of buildings along the frontage of the commercial district for visitors and to invite the passing pedestrian. He thought that goal was a little late but he liked the fact that it was addressed in the General Plan.

Mr. Tedford read from Goal 15 – Planning Strategies 15-7, “ Periodically renew newly constructed infill projects for suitability and compatibility of infill development within the Districts. Identify issues that threaten the aesthetic experience of the District and refine the design guidelines and/or LMC based on findings. The aesthetic experience would be measured from the pedestrian experience at the street frontage. Also, site design and architecture should be analyzed and reviewed.” Mr. Tedford felt the language implied that they would look back to see what mistakes they made and eliminate them. However, based on his interpretation of the language it would be too late.

Vice-Chair Thomas informed Mr. Tedford that the Staff and Planning Commission were going through the proposed General Plan and carefully reading the document. He appreciated Mr. Tedford’s comments and encouraged him to stay involved.

Commissioner Wintzer asked Mr. Tedford to clarify his comment about the new General Plan not being as strong as the old General Plan. Mr. Tedford was unsure if his comment was accurate. He just wanted to make sure that compatibility with what exists is clearly stressed in the new General Plan. Vice-Chair Thomas understood that Mr. Tedford would like to see the compatibility component strengthened.

Director Eddington stated that the intent of that particular goal was to tie the General Plan to the Historic District Design Guidelines where a review is done every two years to see if something needs to be tweaked or strengthened in terms of compatibility and design to keep the two documents the same and living documents.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Vice-Chair Thomas disclosed that he would be recusing himself from the Lot 21-32 Echo Spur – 9 Lot Subdivision, and he had communicated with Staff his intent not to participate.

Director Eddington commented on a question at the last meeting regarding terms that would be expiring in July. He had told the Commissioners that the City Council intended to keep all the Commissioners in place until the end of the year, which was a de facto result of the joint meeting when they talked about taking Form Based Code, the General Plan and Bonanza Park to the end of the year. Director Eddington felt that he had misspoken. The Mayor eluded to it but nothing was formalized. To clarify the issue, the Staff would present a short report to the City Council within the next two weeks to see if the Council was interested in delaying new appointments and continuing the sitting Commissioners to the end of the year.

Commissioner Hontz asked for the date of the next General Plan meeting for their group. Commissioner Gross replied that a meeting was held today and Mick filled in for Adam. Director Eddington recalled that Commissioner Hontz was scheduled for a meeting the following Monday or Tuesday.

Commissioner Hontz noted that Katie Cattan was responsible for sending out emails to interested citizens who had requested to be notified on the General Plan and Bonanza Park. Since Katie was no longer with the Planning Department she wanted to make sure those emails continued. Director Eddington stated that he would work with Kayla Sintz to continue the notification emails to the citizens.

**CONTINUATIONS(S)** – Public hearing and continue to date specified.

1. Land Management Code – Amendments to Section 15-1-21 Notice Matrix, Chapter 2.24, Chapter 9, and Chapter 15.

Vice-Chair Thomas opened the public hearing. There were no comments. Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Wintzer moved to CONTINUE the LMC amendments to July 31, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**REGULAR AGENDA** – Discussion, public hearing, action.

Planner Astorga noted that the applicants for Lots 21-32, Echo Spur Subdivision were notified that Commissioner Strachan would not be in attendance and since Commissioner Thomas would be recused they would not have a quorum to discuss the project. The Staff later found out that there would be a quorum but they were unable to reach the applicant. Planner Astorga requested that the Planning Commission continue the item to another meeting.

**1. 305 Park Avenue – Plat Amendment  
(Application PL-13-01912)**

Planner Anya Grahn reviewed the application for a plat amendment at 305 Park Avenue. A historic significant home straddles the interior lot line between two Old Town parcels. A fire in the building in 1957 and 1968 had taken down the second story. In September of 1990 the applicants requested a variance to restore the structure to its historic form based on photographs and documentation. At that time the Board of Adjustment passed three separate variances. One was a one-foot encroachment in to the required three foot north sideyard setback to accommodate a two-car parking pad. The second was a 1'3" encroachment into the required ten foot rear yard setback in order to accommodate a stairwell that was necessary to access the second floor of the building. The third was a five-foot variance. At that time the allowed building height was 33-feet tall, but in order to restore the house to its original, they needed to build to 38-feet.

Planner Grahn reported that in April 2013 the applicants submitted an HDDR pre-application and met with the Design Review Team to talk about adding a garage and possibly changing the deck in the back of the property. Planner Grahn presented slides showing the setbacks and where the building encroaches over them.

The Staff has been working with the applicants to determine whether or not a garage could be accommodated. There was an issue about footprint if nothing on the lot changes, and there is a height restriction. Planner Grahn pointed out that it was a challenging situation but before they could move forward with any plans they needed to remove the interior lot line. Planner Grahn clarified that this was not a steep slope lot.

Vice-Chair Thomas opened the public hearing.

There were no comments.

Vice-Chair Thomas closed the public hearing.

Commissioner Gross was comfortable with the request and felt that it was very straightforward.

Commissioner Hontz agreed that the request was straightforward in terms of removing the interior lot line. However, she believed that the slide presented demonstrates that in its existing form there is nowhere that it does not exceed the standards of the current Code. Commissioner Hontz remarked that it was a fantastic structure and very large for a historic structure. She thought it was interesting that history could not verify what the house originally looked like and that in 1990 the BOA, for good reason, allowed the encroachments. Commissioner Hontz felt that approval of this plat amendment without considering the impacts on the neighborhood would trigger the next step of a garage or deck and allow it to become more non-compliant and not meet the purpose statement of the LMC. While she supports improving historic structures, she struggled with furthering the negative impacts with the trigger of the plat amendment.

Commissioner Hontz suggested that this type of request may be allowed with the purchase of TDRs, recognizing that it is outside of the current requirements. She noted that on every side, whether it be shed, deck, home, stairs, parking pad and the retaining rock wall, everything was already in the setback.

Commissioner Wintzer pointed out that in a plat amendment the Planning Commission could address those concerns through a condition of approval. Commissioner Hontz stated that her struggle was with how much it was non-compliant on every side and all the way to the edge. She believed they would be making an existing problem worse.

Assistant City Attorney McLean clarified that with a historic structure the Code does not call it existing non-complying. It is considered valid complying and the ramifications are different.

Vice-Chair Thomas stated that he had done the Historic Homes Tour and listened to the discussion about the nature of the evolution of the neighborhoods. He noted that this particular street consistently has the largest homes in Park City. Historically those were larger homes and the question is how much of what encroaches is historic. If it is historic, he understood that it would be valid complying. Vice-Chair Thomas was more comfortable with the request after having a broader understanding of the nature of the neighborhood and how it evolved.

Commissioner Wintzer agreed with Commissioner Hontz and he felt there was a dilemma on all sides. He thought they could place a condition on the plat approval to say that any major remodel would come back for a CUP.

Commissioner Hontz noted that on other plat amendments where there have been fence lines or retaining walls or decks, the applicant was required to clean those up with the neighbors. They first need to determine which property it is on, and if it is on the neighbor's property it either needs to be moved or the neighbor gives them a quit claim or an encroachment agreement. She noted that the encroachments also included the City right-of-way by the stairway. Commissioner Hontz was comfortable with Commissioner Wintzer's suggestion for a condition of approval.

Commissioner Savage stated that they have a Planning Department Staff and an HDDR process and if the lot had already been combined the process for any modifications would run through the pre-existing process. He did not want to create constraints on what the applicants could do with their lot as a consequence of needing a lot combination. Commissioner Savage trusted the process that exists with the Planning Department and the HDDR process to vet any plans submitted subsequent to the plat amendment being approved. Commissioner Savage supported the plat amendment as requested.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 305 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed 3-1. Commissioner Hontz voted against the motion.

#### Findings of Fact – 305 Park Avenue

1. The property is located at 305 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The property is shown on the Historic Sites inventory as a "Significant Site" and includes a 3,934 square foot mining-era home constructed in 1895.
3. Currently, the property is two (2) Old Town Lots, Lots 1 and 2 of Block 3.
4. The applicants are requesting to combine two (2) Old Town lots into one Lot.
5. The plat amendment is necessary in order for the applicant to move forward with any future improvements to the structure.
6. The amended plat will create one new 3,934 square foot lot. The existing lots measure 25 feet x 75 feet (1,875 SF); the other measuring approx. 27.15 feet x 75 feet (2,059 SF).

7. The existing historic house straddles Lots 1 and 2 of the Snyder's Addition.
8. The three story structure is thirty-eight feet (38') tall, thus exceeding the twenty-seven feet (27') height limit.
9. On September 4, 1990, the BOA approved a one-foot (1') encroachment into the required three foot (3') required north side setback; a one foot three inch (1'3") encroachment into the required ten foot (10') rear setback, creating a seven and one-half foot setback; and a five foot (5') height variance. The height variance allowed for a structure of 38'. In 1990, the maximum height permitted in the zone was 33'.
10. Any proposed additions to the existing historic home will require a review under the Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
11. The maximum building footprint allowed is 1,801 square feet per the HR-1 LMC requirements. The current footprint square footage is 1,379.8, which would allow a maximum footprint addition of 197 square feet. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 1 and 2.
12. Any new additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

#### Conclusions of Law – 305 Park Avenue

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the

requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Conditions of Approval – 305 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home or would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers may be required by the Building Official for renovation of the existing structure.
5. A ten foot (10') foot wide public snow storage easement will be provided along the frontage of the property.

**2. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3 and Chapter 2.6 regarding Building Height. (Application PL-13-01889)**

Planner Francisco Astorga remarked that the proposed amendments address development in the HRL, HR-1, HR-2 and the RC zones. The RC zone was included because specific standards for single-family dwellings and duplexes mirror the same standards that apply for the Historic Residential Districts.

Planner Astorga requested that the Planning Commission discuss the proposed language shown on Attachment 1. If the language needed to be amended, the changes would be included in a recommendation to the City Council in an effort to move forward.

Planner Astorga reported that the proposed amendments were two-fold. The first one related to the Building Height analysis on pages 66-71 of the Staff report. The second amendment related to the Existing Historic Structures Analysis on pages 71-72.

The Staff recommended that the Planning Commission review the proposed amendments to the Land Management Code for Chapter 2 as described in the Staff report, conduct a public hearing, and forward a positive recommendation to the City Council to adopt the ordinance in Exhibit A with any further changes resulting from the discussion.

Vice-Chair Thomas opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, had prepared a presentation showing various heights, stories and roof shapes. She recalled that stepping was an issue because the Code did not read as stepping three stories, and the Planning Commission wanted the ability to apply the Code in a way that stepping would work.

Ms. Meintsma had prepared a series of drawings. The first one had a third story, ten-foot horizontal step at a 27' foot height which was allowed under the current Code. A second drawing presented was not allowed under the current Code. A third visual showed the same mass in the third story and the fourth story, except there was more mass with the allowed structure versus the structure that is currently not allowed.

Commissioner Savage asked if the difference was attributed to the setback requirements in the front. Ms. Meintsma answered yes, because the only way to fit four stories in the 35' interior top plate ceiling height would be if the four stories had 8' ceilings. Vice-Chair Thomas clarified that the floor to floor heights were 9' floor to floor with an 8' ceiling. Ms. Meintsma believed it was in the best interest of the City to allow a structure that would actually have less mass.

Ms. Meintsma had prepared additional drawings to explain what she believed were the positives for allowing stepping and four stories and why the building would have a smaller appearance. She stated that the horizontal lines on four stories has a tendency to chop up the visual and makes it more attractive. Ms. Meintsma remarked that because the height would be 35' on top plate, it would possibly allow steeper roof pitches, which everyone would like to see, and still maintain the 27' height. She was working on language regarding a half-story to encourage steeper roof lines and more variety in roof pitches.

Ms. Meintsma stated that if stepping is allowed because it remains under the 35' height, the unintended negative of a split level is that the roof tends to create a roller coaster roof that is reminiscent of the ski slope roof. Ms. Meintsma presented a photograph of the structure

that triggered the discussion and explained how the roller coaster roof could be mitigated. Ms. Meintsma believed that stepping could create a smaller structure.

Ms. Meintsma outlined the unintended negative flaws in the language proposed for height and roof pitch. She noted that the language talks about primary roof design; however, primary roof design is not defined in the Code, which makes it arbitrary. She believed they needed a definition for primary roof design. Ms. Meintsma reviewed a series of drawings with different heights, roof pitch and design to show some of the flaws resulting from the language. She suggested that “Primary Roof Design” should be changed to “Primary Roof”, and the primary roof should be defined as the main roof structure to keep all the pitches at 7:12 to keep the roof from flattening against the 27’ height.

Ms. Meintsma referred to language stating that the roof pitch must be a 7:12. She presented drawings showing that the 7:12 pitch were only small portions of the roof that she had marked.

Commissioner Hontz asked if Ms. Meintsma was saying that adding the word “primary” would make it less likely to see the hip roof. Ms. Meintsma believed that the hip roof was on its own regardless of whether or not it is allowed or how much is allowed. Commissioner Hontz clarified that in her interpretation, if the word “primary” is added it would allow someone to identify a secondary roof. Ms. Meintsma stated that a primary roof would be a 7:12 pitch roof; however, if it has a hip on it that would change the visual.

Mr. Meintsma presented an image of a barge rafter roof, which is one of the two rafters that support the roof and projects beyond the gable wall. She found the image as the best example of a gable roof. She was unsure whether it would flatten the roof or accomplish the visual they wanted.

Planner Astorga stated that the challenge in Old Town is that if the roof forms are perpendicular to the street, there is not an issue. The specific project that Ms. Meintsma used in her examples is parallel to the street. He believed it was a 7:12 roof pitch but the issue is that the ridge is parallel to the road and as it comes down, the massing perceived is different from seeing a gable on the street. The designer’s intent is to provide additional headroom, and that is a challenge. However, the City cannot plainly prohibit these types of structures because historically those types of roof forms existed in Old Town. The Staff faces this challenge on a daily basis with the Historic District Design Review.

Commissioner Wintzer used the image of the house identified as hip, and noted that there was no reason for what was done on that house. The roof is under height everywhere and it could have been higher. He thought they could follow Ms. Meintsma’s suggestion to make the roof simpler. Ms. Meintsma clarified that she was not implying that it should not

have been done. She only questioned it because the 7:12 pitch was small portions and she wanted to know if this was what the Planning Commission wanted, because it did flatten the roof.

Vice-Chair Thomas closed the public hearing.

Vice-Chair Thomas remarked that someone would always do something creative with a roof that is unfamiliar or unfavorable. For that reason he felt it was hard to write a Code that limits every condition and still gives the applicant the opportunity to design what they think is an attractive house.

Planning Manager, Kayla Sintz, stated that the Historic District Guidelines direct the applicants to choose a style. The language proposed reduces the roof pitch in order to be consistent with other types of historic homes, and that means that someone chooses that style of a home with a shallower roof pitch. It does not mean they could choose all the options and put them on to one house. She believed there was a need for a strong statement and direction to an applicant to select one style. The Historic District is simple and it is not about a conglomeration of roof lines. Planning Manager Sintz thought it was an issue of choosing a style of architecture and one with compatibility through design.

Planning Manager Sintz cautioned against a primary roof form definition because people would eventually challenge the definition. She thought the Planning Commission should be cautious about delineating primary versus secondary or taking a stricter stance.

Commissioner Savage applauded Ms. Meintsma for her insight, efforts and continued participation in these important issues for the City. Commissioner Savage believed that the Planning Commission should focus on the exterior of a building and let the applicant focus on the inside. He noted that the City has an HDDR process and Design Guidelines and the Planning Commission should not be concerned with the design. The Planning Department is mandated with the responsibility of making sure the issue of compatibility is being met. Commissioner Savage stated that he would continue to trust in that process until he is given a good reason not trust the process. Commissioner Savage liked what Ms. Meintsma had done with the volumetrics and he personally felt it was the right way to look at it. Whether it is three stories or four stories inside, both can be accommodated within the same volumetrics and the external appearance would be essential the same or possibly improved with the multiple stories.

Commissioner Savage was unsure as to how they could draft an appropriate definition for a primary roof and what they would call that roof. He was thought it would be difficult to define a primary roof. Commissioner Savage stated that he had not thought about the roller coaster issue Ms. Meintsma had raised and he was unprepared to comment.

Commissioner Wintzer echoed Commissioner Savage regarding his appreciation to Ms. Meintsma. It makes a difference when someone comes in with a different idea. Commissioner Wintzer agreed that the job of the Planning Commission is to focus on the volumetrics, but they are also challenged with making the structure compatible with the neighborhood and the existing structures. Therefore, he believed the Planning Commission should look at design and compatibility. Regarding the issue of flat roofs, he noted that four 9' floor to floor heights would allow four stories and still be within the height limit and the volumetrics would be totally different than if it was filled in. Commissioner Wintzer felt it was important to understand flat roofs and how they relate to structures in Old Town. He recommended that as they discuss heights that they look at structures with flat roofs in mind.

Commissioner Hontz thought they had made progress and she believed they were getting closer. She stated that some of the things affected by height is the amount of excavation, setbacks, and show shed and that should be considered as they determine the height definition. Commissioner Hontz referred to the drawing on page 69 of the Staff report and noted that 14% driveways are allowed on uphill lots. Drawing a line at 14% and starting the structure at that point, and then drawing a straight line from the top of car, she pointed out the amount of excavation that would be reduced on an uphill lot. In her scenario, Commissioner Hontz noted that the garage elevation would not start until 15 or 20 feet higher. Therefore, the 27' height is 20 feet higher. Commissioner Hontz remarked that this was the type of house they keep seeing built on both uphill and downhill lots. She remarked that that entrance into a structure is not historic and it ruins how people approach structures and the feel of Old Town. Secondly, it is not useful. The first rainfall on the downhill lots in certain places fills the driveways and garages because it is a good place for water to run. On the uphill lot the garages cannot accommodate the height of an SUV and they end up being parked in the driveway. Commissioner Hontz reiterated that it adds to the height and the steepness of these driveways, which is not historic, and they are not useful.

Commissioner Hontz stated that moving the finished floor plane up puts the structure at 20-30 feet taller from the street, and makes it appear to be 80 feet tall. She believed that needed to be a component in their discussion. Commissioner Hontz thought the biggest failure is the fabric that is eroding due to the driveways, as well as the perceived height.

Commissioner Hontz liked Ms. Meintsma's comment about the benefit of less mass with four floors. However, in looking at the 9' foot ceiling structure of the 4<sup>th</sup> floor, they would see more bedrooms and more people, which generates more cars and more impacts. Commissioner Hontz agreed that the Planning Commission does not need to regulate the interior, but they still need to regulate the scale and mass, particularly when the mass is

also bedrooms and number of people in an area that cannot accommodate the extra traffic.

Commissioner Hontz stated that based on where they allow people to go up in height, because of the retaining required, the limits of disturbance is the lot line and every piece of vegetation on the entire site is eliminated to accommodate the structure. Commissioner Hontz did not believe the proposed solutions address all the concerns. It is difficult to grow vegetation in Park City and when the removed vegetation is replaced, it will not be the same quality.

Commissioner Hontz stated that another proliferation they see on the uphill and downhill is the manipulation of the Code with window wells allowing habitable space, which results in more massing and additional excavation under the house and to the setbacks. She thought disallowing the 14% driveway might resolve the problem because people could no longer dig out that space.

Commissioner Hontz understood that they were still looking at green roof and roof pitch. She thought they needed to consider that a green roof could turn into a brown roof that is never planted or maintained. They needed to find a way to manage it and require that someone continues to manage it. Vice-Chair Thomas suggested that a green roof could be subject to a landscape plan approved by the Planning Director. Commissioner Hontz clarified that a green roof cannot be considered as setbacks or open space.

Commissioner Gross agreed with most of the comments expressed by his Fellow Commissioners. However, he believed that people should be able to do whatever is allowed within the 35' maximum as long as it complies with the Building Codes. The Planning Commission is tasked with looking at the exterior and making sure the impacts are properly mitigated. Commissioner Gross recalled a previous discussion regarding green roofs and that a landscaping plan needs to be part of the package before receiving the certificate of occupancy permit. He was unsure how the green roof could be monitored over time.

Vice-Chair Thomas believed they were moving in the right direction. The intent was to allow flexibility within the volume to have shifted floor planes and accessing grade. He believed the 35' height helps tighten it up, but a few things still need to be resolved and the green roof is one issue, along with the landscape plan relative to the green roof. Vice-Chair Thomas stated that a flat roof has a bigger visual impact if it is allowed the same 27' height. In many parts of the community if someone chooses to use a flat roof, there is a reduced height associated with the flat roof. He asked if that had been factored into the flat roof discussion.

Planner Astorga replied that flat roofs were only incorporated with regards to green roofs. The Staff analysis is that when the application comes in the applicant needs to demonstrate that it will not cause any additional shade and it would not be taller than a standard gabled roof. Vice-Chair Thomas asked if a standard roof would be allowed to go up to the ridge height with a flat roof. Planner Astorga explained that the applicant would have to demonstrate how the proposed green roof/flat roof fits in a 7:12, 9:12, all within 27' from existing grade. Commissioner Wintzer asked if they could go up as high as 27'. Planner Astorga replied that it could, but it would be breaking on the corners. Therefore, it would have to be reduced until the entire flat roof is down within a standard compliant mass of roof form.

Director Eddington understood that Vice-Chair Thomas was asking whether a flat roof could appear to be a bigger mass because it does not have the sky on the side of the slope. If that was the question, the answer was no. Commissioner Wintzer asked Planner Astorga to bring back some drawings. Planner Astorga was prepared to do drawings this evening to demonstrate how the green fits at a standard gable. Vice-Chair Thomas clarified that the maximum height of the green roof would have to fit within the 7:12 context. Commissioner Savage understood that the higher the roof, the skinnier the building. Planner Astorga replied that this was correct. Commissioner Savage stated that most people want the square footage and that would keep them from building a taller building. Therefore, the footprint trumps the roof. Planner Astorga reiterated that the Staff analysis only applied it to green roofs and not standard flat roofs. Commissioner Wintzer clarified that green roofs was the only thing allowed in Old Town.

Vice-Chair Thomas stated based on his education and experience, mass, form, scale and compatibility are design; and to that extent the Planning Commission is involved in design.

Vice-Chair Thomas thought Commissioner Hontz made an excellent point about the driveways. There needs to be a transition slope from the street to the driveway and based on industry standards, it is a 5% slope up to 20 feet. The City allows 14% and he questioned how they could get a transition slope into that realm. He believed that issue needed to be addressed because it is impossible to get a car up those driveways without bottoming out. The impact is that people will park on the street.

Commissioner Gross asked why they could not change the 14% slope. Commissioner Hontz replied that it could be changed but it also affects other things, such as height and mass. Vice-Chair Thomas pointed out that 14% slope would be sufficient with a long enough driveway, but there needs to be a transition slope at the curb approaching the street. Summit County has a code requiring driveways to be within 5% for the first 20 feet of the public street. He recognized that 5% was too restrictive for Old Town, but he thought

they should factor it down and consider a more reasonable length that would still allow the transition.

Commissioner Savage asked if the driveway issue was a height issue. Vice-Chair Thomas replied that it is connected because it cascades into the lowest finished floor. Commissioner Savage could not understand why they would need to adjust the building height if they control the driveway slope. Vice-Chair Thomas replied that they would exceed the maximum height. Commissioner Hontz stated that if they add the driveway component and control it through some calculation, they would be addressing the height issue. Vice-Chair Thomas stated that if they lower the slope of the driveway and drop the elevation of the driveway it would increase the excavation of the project. He believed there were ramifications that needed further thought and discussion.

Commissioner Savage felt they needed a robust discussion regarding excavation. He thought the issue warranted further dialogue and education. He personally could not understand why they should care about the amount of excavation as long as the footprint was managed. Vice-Chair stated that they care about the amount of excavation because of the impacts created by the number of truck loads of material hauled through the neighborhood. The issue is life safety, as well as the depth of footings and excavation and cuts.

Commissioner Hontz commented on the vegetation removal that occurs with significant excavation, particularly the vegetation that has existed historically for 50 years and is habitat. She pointed out that projects that required significant excavation take longer because of the process. Some projects take years, which is an impact to the neighbor who lives next to the hole in the ground. Commissioner Savage thought those concerns could be addressed through bonding, obligations, and other requirements. He believed that at some level they need to support people's ability to make choices about how they want to develop their property as long as it fits within the guidelines. Commissioner Savage remarked that people should be able to work to the maximum within the LMC, without feeling that they are getting more than they should get. The maximum should be what they are allowed to do.

Commissioner Wintzer remarked that the real issue is not how much is being excavated, but how many cars and people it takes to maintain the structure for the rest of its life. He noted that several structures on Deer Valley Drive have 15 cars parked in front for a weekend because it is allowed, but it completely impacts how he gets to his house and how people get around town. The owner built what the LMC said they could build, and the end result was a party house with two parking spaces. Commissioner Wintzer stated that in addition to regulating mass and scale, their job is also to regulate and protect the neighborhood and the integrity of the neighborhood. He commented on a house that he

believed had excavated 100 feet and has window wells that are probably 12-14 feet high and have bedrooms behind the garage.

Vice-Chair Thomas remarked that window wells could allow someone to create a building area and usable space or living space below grade. He felt it was important to consider the impact of window wells and the intention for having a window well. If the intent is to create natural light and egress for a bedroom, that would be the wrong intention and he would not encourage that type of space.

Commissioner Hontz stated that it is difficult to police and enforce use. By allowing 14% and building to the maximums, she thought they needed to look at whether the maximums are too big. People do not always make good decisions on their use and they tend to do things that are illegal. It generates additional traffic and other things that are not allowed in the community. Commissioner Hontz believed they needed regulations that are easy for everyone to build to and live to so they are not in a constant police state trying to stop people from doing what they are not allowed to do.

Commissioner Savage stated that the Planning Commission has a specific role. A City Councilman attends their meetings and several other organizations within the Park City Municipality have responsibilities for the enactment of legislation and maintenance of that legislature. There are ways to cause people to be appropriately penalized when they abuse the privileges. Commissioner Savage remarked that there was nothing the Planning Commission could do within the Land Management Code to fix the problems that occur in larger homes in terms of overnight rentals and huge parties. However, the City can implement the appropriate Codes and Regulations and taxation rules to ensure that the problem gets minimized and is forced into a more acceptable position. Commissioner Savage felt it was important to make sure they were using the right tools to fix the right problem. He noted that the Planning Commission is not mandated to be the panacea for all the issues inside Park City. He thought the Planning Commission should focus on their job instead of trying to fix problems outside of their purview.

Commissioner Hontz disagreed. She believed it was 100% design related. Commissioner Wintzer concurred. It is the job of the Planning Commission to find whether something is compatible and fits the Land Management Code. It is also their job to look at neighborhoods and the bigger picture. Commissioner Savage believed it was their job to decide whether an application was compliant with the Land Management Code. Commissioner Wintzer replied that compatibility is addressed in the Land Management Code and the purposes statements talk about compatibility.

Vice-Chair Thomas remarked that the intent of the proposed amendment was to allow flexibility within the footprint of the house for stepping. He thought the general direction

they were going with the 35' step was appropriate. Vice-Chair Thomas believed the Planning Commission was willing to consider a maximum slope as a transition slope to a driveway to access the house. In his opinion, it did not make sense to have a 14% grade right from the street curb to the finished floor of the garage. It is not practical and it does not work. It is difficult to get a normal car into a driveway that has a 14% slope without a transition.

Vice-Chair Thomas remarked that the Commissioners had concerns about flat roofs and how they would be planted. He believed they were comfortable with the diagram showing that the height of the roof would come down if it fits within the 7:12 triangle. Commissioner Wintzer asked Planner Astorga do prepare a better diagram for the next meeting.

Vice-Chair Thomas wanted to address the window well. The City Council had opened the window well as a modification to the initial ideas for steep slope. However, it is an issue that that should be looked at again because it creates an unsafe situation as well as other impacts. Commissioner Wintzer thought one alternative would be to define a window well with a specific height requirement.

Planner Astorga pointed out that the Code did not specify a maximum height of a window well. Vice-Chair Thomas agreed and felt it was open to interpretation. He requested clarification regarding window wells.

Planner Astorga understood that Commissioner Wintzer had requested a diagram of the flat roof/green roof and how it fits into a gable roof. Vice-Chair Thomas clarified that the Planning Commission was referring to green roofs and not flat roofs.

Commissioner Hontz referred to the redlined language on page 68 of the Staff report regarding building height. In addition to the items Commissioner Thomas had identified, she asked the Planning Commission to consider removing the language, "finished lowest floor plane." She was concerned that someone could leave the garage floor dirt so it would not be considered a finished floor plan. Commissioner Hontz did not believe the word "finished" made the definition stronger.

Vice-Chair Thomas thought "finished floor" was the elevation of the earth. After further discussion the Commissioners agreed to remove the work "finished" from the sentence. Commissioner Hontz referred to the same paragraph, last sentence, and asked why they were talking about attics as a story. The Commissioners agreed to remove the last sentence.

Commissioner Hontz referred to the second redlined paragraph on page 68 of the Staff report and revised the paragraph to read, "A ten foot minimum horizontal step in the

downhill façade is required to take place at a maximum height of 23' from where elevation meets existing grade. An exception is for when the first story is located completely under the finished grade on all sides of the structure. Commissioner Hontz felt it was better to separate what is allowed and what is prohibited for clarity. The Commissioners discussed the revised language and asked Planner Astorga to re-write the language for the next meeting to address some of the issues that were raised. Commissioner Savage requested a visual to help clarify the language.

Vice-Chair Thomas noted that at some point the Planning Commission would have to address separate structures. He believed there would be a tendency for people to pull two buildings apart and have a garage and something else and another structure uphill. The result is the impact of seeing a very tall, large massive structure on lots that are not compatibility with the historic adjacent properties. He asked the Commissioner to begin thinking about how they could approach the issue. He asked the Staff to factor in language that addresses new construction without historic buildings and stops the cascading down the mountainside, regardless of whether the structures are connected.

Planning Manager Sintz stated that in the discussion of whether to define primary roof form and how it is calculated, and because the green roof definition is tied to the primary roof form, she suggested that the Planning Commission direct Staff on how to marry the two together. She offered suggestions on how it could potentially be done. Vice-Chair Thomas was uncomfortable with using a percentage because it becomes mathematical without considering the aesthetics. He suggested that the Staff Architect review primary roof forms and green roofs in terms of their compatibility. Planner Astorga asked if the Commissioners were comfortable with the language as proposed, which added the word "primary" for clarification. Vice-Chair Thomas was comfortable if the language gives the Staff the ability to look at the design and determine the primary roof and that a smaller roof element on the structure is a lower percentage of area and not a significant dominant roof form. He believed the Planning Commissioner needed to trust the judgment of the Staff

Vice-Chair Thomas recalled from the last meeting that the Planning Commission was comfortable with the 7:12 and 12:12 roof pitch in terms of compatibility in Old Town. However, the proposed language on page 71 of the Staff report provides the caveat of allowing a shallow roof it is more compatible with the historic structure. He thought that was appropriate. Planner Astorga clarified that the process for approval is through the HDDR by the Planning Director.

Commissioner Savage commented on green roofs in the Historic District. He noted that they continually talk about historic precedence and to the best of his knowledge green roofs did not exist in those eras. Commissioner Savage asked if the Historic Preservation Board was willing to integrate green roofs into the design guidelines for renovations of historically

significant structures. Planner Astorga replied that the Code already allows a green roof if it is under the required roof pitch. That was added as part of the 2009 amendments. He explained that the intent is to clarify the language in terms of measuring. Commissioner Savage asked how a green roof would impact registering the home on the Historic Register. Planner Astorga stated that green roofs would not be allowed on historic structures. Green roofs would be allowed on new construction in the historic district or on addition to historic structures. He noted that the Code applied specifically to the Historic Residential Districts.

Planner Astorga remarked that several people have asked if they could have a flat roof that is not green but has solar panels. He asked the Planning Commission for input on that scenario. The Commissioners pointed out that the panels would have to be on an angle for sufficient use of the solar. Vice-Chair Thomas stated that solar collectors have been used on various roof pitches and they work in a lot of conditions.

Commissioner Hontz referred to the historic structures analysis on page 71 and the recommendation to add building footprint and building height. She pointed out several negative scenarios that could occur, which was why she did not favor adding the language. Director Eddington pointed out that the language only applies to structures listed on the Historic Sites Inventory. Planning Manager Sintz suggested adding, “designated historic structures.” Commissioner Hontz was still uncomfortable adding building footprint and height. Under the current process the Planning Director makes the determination and she preferred to keep that review process.

Planner Astorga explained that the Staff recommended the change because they recognized that not all of the historic structures would comply with the height parameters in terms of the 10’ setback. Commissioner Hontz still preferred to keep the process of review and determination by the Planning Director for all structures. She was willing to consider the possibility of only allowing the change for structures under 1500 square feet. Director Eddington stated that the Staff would look at revising the language to address the concerns.

Commissioner Hontz referred to a news article regarding a \$1 billion deficit the Jordan School District is facing next year because their Planning Department, Planning Commission and City Council approved more density than what they could accommodate for the number of people it generated. Commissioner Hontz pointed out that what the Planning Commission does matters because the number of people in a house affects the amount of traffic on the roads and the number of children in the schools. Vice-Chair Thomas pointed out that the Jordan School District was the best funded school district in the State of Utah. Unfortunately, they lost a lot of their funding due to the transformation Kennecott and how the money was disbursed. He agreed that growth was also a factor,

but it is natural to expect some growth to occur. Commissioner Gross thought it was important to plan around growth expectations.

Director Eddington believed the Staff had enough direction to revise the proposed amendments and incorporate their comments. Commissioner Wintzer thought it would be helpful for the Staff to summarize the comments this evening and email it to the Planning Commission for verification and consensus before they make the revisions.

Assistant City Attorney McLean replied that the Staff could send a summary to the Planning Commission, but the Commissioners could only reply and communicate with the Staff. They could not do a “reply all”. Vice-Chair Thomas felt a better approach would be for the Commissioners to visit the Planning Department two at a time to meet with the Staff prior to the next meeting. Vice-Chair Thomas thanked Planner Astorga for his patience throughout this process.

MOTION: Commissioner Hontz moved to CONTINUE the Amendments to Chapter 2 to a date uncertain. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

**3. Lots 21-32, Echo Spur – 9 Lot Subdivision  
(Application PL-12-01717)**

Vice-Chair Thomas recused himself and left the room. Commissioner Wintzer assumed the Chair.

Chair Pro Tem Wintzer opened the public hearing. There were no comments. Chair Pro Tem Wintzer closed the public hearing.

Commissioner Wintzer thought it was difficult to consider vacating property without seeing a cost analysis on the property and what the City gets in return. A trade is going on but they have no idea of the values. Commissioner Wintzer remarked that the decision should be based on the fair market value of a lot and the fair market value of what they get in return. If the City Council decides it is worth the money to have the project in the neighborhood he was more than willing to look at it, but not without sufficient information to make the proper recommendation to the City Council.

Commissioner Hontz requested that the Staff update the Staff report to accurately reflect that the applicant did not submit a traffic report. What was submitted was a summary of one day out of the year. She stated that a traffic study is defined by standard language and the Staff report cannot reflect that a traffic study was done when it clearly was not done.

Commissioner Hontz had concerns with the process and she intended to address those concerns when the applicants were present. She did not believe this was an appropriate application. Commissioner Hontz remarked that the traffic analysis should also reference the streets master plan and the actual existing widths of streets, winter conditions, garbage, etc. She pointed out that she has made this request multiple times. Commissioner Hontz requested that the Staff report be updated to not only indicate that these issues were not addressed, but to specify the multiple ways it has been requested.

Chair Pro Tem Wintzer referred to the sections through the floor plan to show that the building fits underground. In looking at the minutes from the previous meeting, he had asked for three sections that showed that dirt went up over it. He could not interpret from the submitted drawings whether it was totally buried or not. He recalled that one of the qualifications was that it would be totally buried.

Commissioner Gross asked if the site plan showed how it connects in with the backs of the neighbors' yards in terms of access. Commissioner Hontz replied that this was a plat amendment and the applicants were overlapping into the next step and submitted things that are not part of the plat amendment but need to be addressed in order for the Planning Commission to make a good decision. If this plat amendment moves forward and is approved, it would be a one-lot subdivision with no right to do the condo plat. That was part of her concern with the process and why she did not believe it was an appropriate application for a plat amendment without that other piece. It was only a one-lot subdivision. It is not a condo plat, a steep slope CUP, or a CUP for the parking, and it was not appropriate.

Planner Astorga explained that the LMC is not clear as to what should come first. The strategy chosen by the applicant was to do a one-lot combination and then come back for a condominium plat. They had the right to skip this plat amendment application and go directly to the condominium plat. He noted that the parking garage would still require the applicant to apply for a conditional use permit to look at more specific details.

Commissioner Wintzer stated that if the Planning Commission was approving a one-lot subdivision, there needs to be sufficient conditions of approval in case this project fails. He suggested a preliminary lot or concept approval. Commissioner Wintzer was uncomfortable approving a one-lot subdivision without enough conditions to ensure that the City gets what they think they are getting.

Council Member Butwinski asked Assistant City Attorney McLean if the valuation of the land versus what the City gets in return could be included in the recommendation if the Planning Commission chooses to forward a positive recommendation to vacate a street to

the developer. Ms. McLean explained that two things control a vacation of right-of-way. One is State Code that provides the finding of good cause; and the second is the resolution by the City Council that lays out what the Council considers good cause and the procedure.

Under the State Code, it is strictly a City Council decision. There is no requirement for a Planning Commission recommendation. However, the resolution asks for the Planning Commission to give a recommendation. Based on that, she believed the Planning Commission could make that recommendation.

Council Member Butwinski asked if it should first be a policy decision of whether or not to pursue the vacation, or if they should use the State Code and Municipal Code to determine the appropriate trade-off for the valuation of the property as part of the vacation.

Assistant City Attorney McLean stated that just as a plat amendment is ultimately the decision of the City Council, and it would be the same case with the street vacation. She understood that Council Member Butwinski was asking if the two could be bifurcated to allow the City to discuss the vacation first and then move to the second part. Council Member Butwinski clarified that he was asking if the vacation could be contingent on agreeing to a valuation. Ms. McLean remarked that this was a difficult decision because the subdivision could not occur without the street vacation. She suggested that a better approach would be to address the two issues as a package, but it would be appropriate to address them separately.

Commissioner Savage thought they were spending a lot of time debating a number of issues that were subject to approval of the vacation. Council Member Butwinski stated that this was an important issue because there may be another vacation on the street. He suggested that the City Council should probably address it in a work session to discuss the issues that have been raised.

Commissioner Savage understood that the Planning Commission has the ability to participate in making a recommendation to the City Council regarding the vacation. However, the City Council decision is not contingent upon that recommendation. Therefore, the City Council could make a determination on the vacation independent of the Planning Commission. Commissioner Savage stated that in his opinion, if it was not highly likely that the street vacation would take place, the Planning Commission should not be spending time and effort on this application.

Council Member Butwinski clarified his comments and explained that the vacation would be contingent upon valuation, which could be requested by either the City Council or the Planning Commission. Ms. McLean stated that usually the developer petitions for the street vacation and outlines specific reasons and benefits for the petition. Valuation can then become part of that process and the City can place contingencies. Based on

Commissioner Savage’s comment, they could look at the vacation first to see if it is even possible before going through the plat amendment process. The Commissioner concurred.

Chair Pro Tem Wintzer outlined the process for addressing the street vacation as a separate item. Planner Astorga noted that the applicant had requested a continuance to the July 31<sup>st</sup> meeting. However, the Staff advised him that he needed to file a petition for the street vacation through the City Engineer, which was done on Monday of this week. Planner Astorga was unsure if three weeks was sufficient time for the City Council to hold a work session and for the Staff to prepare a Staff report. Ms. McLean stated that if the applicant had filed the petition, the Planning Commission should continue the item to a date uncertain to allow the City Council time to review the petition.

Commissioner Hontz reiterated her request for the applicant to submit the condo plat and additional information before they come back to the Planning Commission. Chair Pro Tem Wintzer agreed that the Staff should meet with the applicant to outline the list of requested items, and the applicant time to meet their request.

MOTION: Commissioner Savage moved to CONTINUE Lots 21-32, Echo Spur Subdivision to a date uncertain. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:20 p.m.

Approved by Planning Commission: \_\_\_\_\_

# Planning Commission Staff Report



**Subject:** Lot 17, 18, and 19 Echo Spur  
Development Replat  
**Author:** Francisco Astorga, Planner  
**Application #:** PL-12-01629  
**Date:** July 31, 2013  
**Type of Item:** Administrative – Plat Amendment  
Discussion on Ridgeline Development/Vantage Point Analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

*“Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”*

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]). The LMC defines vantage points as the following:

*A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:*

- (A) Osguthorpe Barn;*
- (B) Treasure Mountain Middle School;*
- (C) Intersection of Main Street and Heber Avenue;*
- (D) Park City Ski Area Base;*
- (E) Snow Park Lodge;*
- (F) Park City Golf Course Clubhouse;*
- (G) Park Meadows Golf Course Clubhouse;*
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;*
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;*
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and*
- (K) Across valley view.*

The LMC definition of Vantage Points includes ten (10) specific sites plus an across valley view. Staff received specific direction from the Planning Commission on December 12, 2012 that a cross valley view has to be at approximate similar elevation as the site.

The LMC defines a Ridge Line Area as the “top, ridge or Crest of Hill, or Slope” plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. Staff considers this area to be a ridge, however, the proposed development activity including of a single family dwelling cannot be viewed from any of the eleven (11) vantage points including an across valley view.

Exhibit A shows the vicinity of the subject site with ten foot (10') elevation/contour lines. As represented on this Exhibit, the site contains two (2) valleys adjacent to the site, across Deer Valley Drive (north of the site), and across the Old Town/Main Street area (west of the site). The applicant submitted photographs showing these vantage points within Exhibit K of the June 26, 2013 Planning Commission Staff Report. By looking the photographs and this contour map, one can learn that when viewing the site from across canyon (or any of the other ten [10] LMC defined vantage points), at approximately the same elevation, the site is framed by the existing higher topography behind the proposed development.

### Background Analysis

Staff interprets that the following site located in the Aerie breaks the skyline when viewed from the following vantage points:

- Osguthorpe Barn – Vantage point A:



- Intersection of Main Street and Heber Avenue – Vantage point C:



- Park City Ski Area Base – Vantage point D:



- Intersection of Thaynes Canyon Drive & State Road 224 – Vantage point J



Staff interprets that this development on the Aerie (Masonic Hill) was indeed built on this ridgeline. Furthermore, this development does not meet the current ridgeline protection ordinance as it breaks the skyline from these four (4) vantage points. This development was built in the early 1980's. The ridge line protection ordinance was adopted in 2001. The Sensitive Lands Overlay (SLO) ordinance, further restricting development on ridge lines, was adopted in 2000 and amended in 2005 and 2007.

Unlike the four (4) photographs shown herein with the Aerie development, the proposed plat amendment combining Lot 17, 18, & 19, Block 58, Park City Survey, consisting of a plat amendment lot consolidation from three (3) into one (1) does not break the skyline when viewed from any of the adopted vantage points, including the across canyon view shown on Exhibit K of the June 26, 2013 staff report supported by Exhibit A of this report. This subject site is also not within the SLO area.

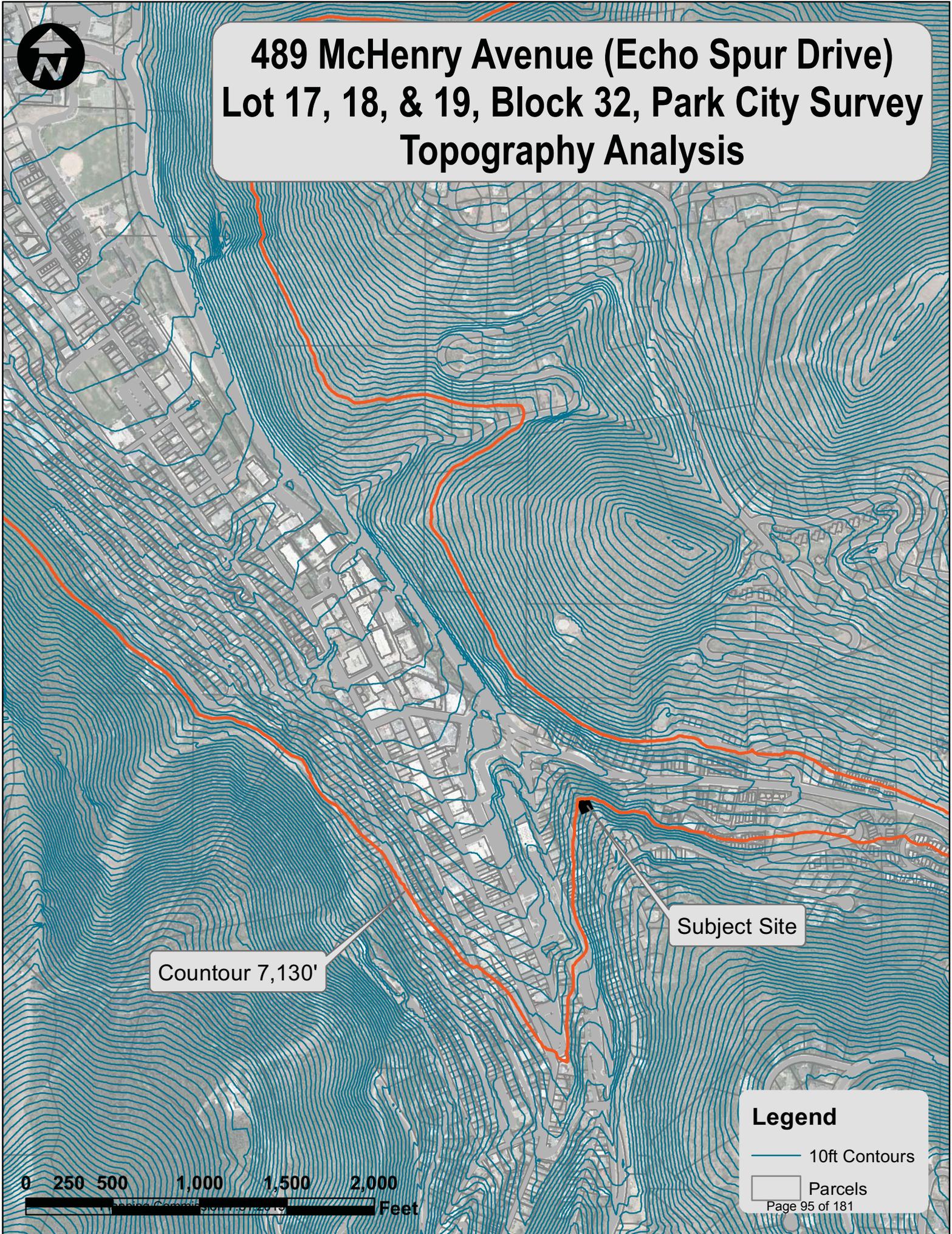
#### Question for Discussion

**Does the Planning Commission concur with this assessment of ridgeline development?**

#### **Exhibit A – Topography Analysis**



# 489 McHenry Avenue (Echo Spur Drive) Lot 17, 18, & 19, Block 32, Park City Survey Topography Analysis



Countour 7,130'

Subject Site

**Legend**

- 10ft Contours
- ▭ Parcels

Page 95 of 181

0 250 500 1,000 1,500 2,000 Feet



# Planning Commission Staff Report



**Subject:** Lot 17, 18, and 19 Echo Spur  
Development Replat  
**Author:** Francisco Astorga, Planner  
**Application #:** PL-12-01629  
**Date:** June 26, 2013  
**Type of Item:** Administrative – Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

## Description

**Applicant:** Leeto Tlou  
**Surveyor:** Rob McMahan  
**Architect:** Scott Jaffa  
**Location:** Lots 17, 18, & 19, Block 58, Park City Survey  
489 McHenry Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

## Proposal

The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.

## Purpose

The purpose of the Historic Residential (HR-I) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and

- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

**Background**

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plat the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

In 2012 lots 17, 18, & 19 were purchased by Leeto Tlou, the current applicant, who is now requesting approval to combine three (3) Old Town lots of record into one (1). The Planning Commission reviewed this request during their September 12, 2012 meeting (See Exhibit E – 09.12.2012 Staff Report and Exhibit F – 09.12.2012 Planning Commission minutes). During this meeting the Planning Commission expressed concerns with the road/improvements dedication, 2007 property dispute settlement agreement, ridgeline development/vantage point analysis, increased setback/square footage limitations/footprint placement, contextual neighborhood analysis, future plat amendment to the south, and future site visit. The Planning Commission continued the item to a date uncertain.

On December 12, 2012 The Planning Commission visited the site and reviewed the requested Plat Amendment (See Exhibit G – 12.12.2012 Staff Report and Exhibit H – 12.12.2012 Planning Commission minutes). During this meeting the Planning Commission expressed concerns with the vantage point analysis, 2007 property dispute settlement agreement, limitations on the proposed structure, neighborhood compatibility, road/improvements dedication, extensive ridgeline analysis, and future traffic generation.

**Analysis**

The proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

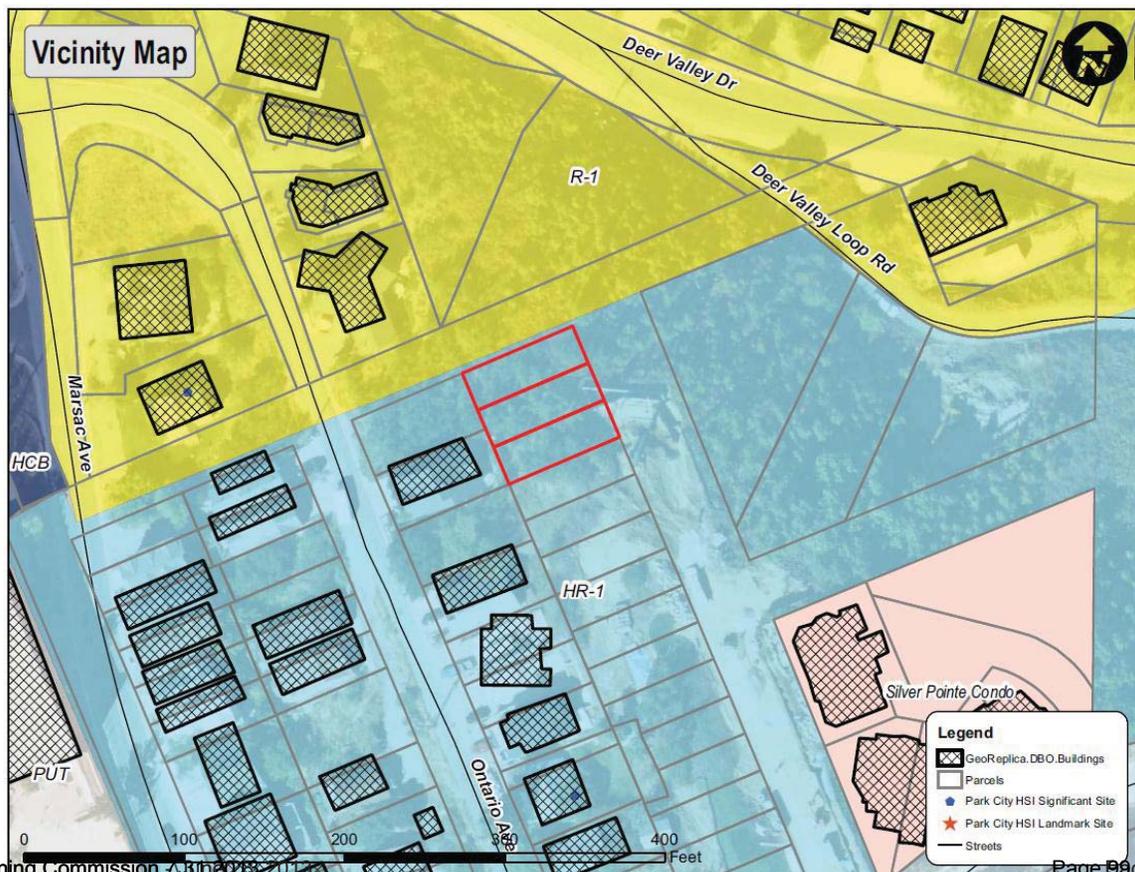
The applicant has indicated that he would like to build a single family dwelling. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)

Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, max.
Number of stories	A structure may have a max. of 3 stories.
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are Old Town lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds that the proposed plat amendment will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood composed of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots on Ontario Avenue towards the west consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots towards the north (Roundabout Subdivision) and towards the east side, also within the HR-1 District, consist of much larger lots ranging from approximately 9,700 to 12,500 square feet. The lots towards the south on the west side of the road consists of standard Old Town Lots (25'x75'), however, the owner of these other lots has also filed a plat amendment application which proposes eight (8) residential units over approximately twelve (12) Old Town lots. The lots on the east side consist of much larger lots. The map below describes the character of the lots:



### Road Dedication

The existing improvements have complied with the required warranty period. In May 2013 the City Engineer recommended to the City Council to accept the improvements as a public street. The City Council continued this item to September 2013. The City Engineer has indicated that if the City Council does not accept the improvements as a public street, it would become a private drive. The City Engineer also recommended to officially change the name to Echo Spur Drive.

The Land Management Code (LMC) indicates that no building permit shall be issued for a Lot unless such Lot has frontage on a street shown as a private or public street. Staff recommends adding a condition of approval which would indicate that before a building permit can be issued, the street shall be either a private drive or a public street. Staff also recommends adding another condition of approval which indicates that the access to the site shall not take place over platted Fifth Street (formerly Third Street) per the previous Planning Commission comments.

### 2007 Settlement Agreement

In November 2007 the previous property owners of these lots (Connie Bilbrey and Sean Kelleher) signed a Settlement Agreement with the property owner to the west (Ella Sorenson). Both parties disputed the ownership of a certain portion of property. The disputed property lied within the wire fence and shed, over lot 26, 27, and 28, of Block 58, of the Park City Survey. The disputed area is not part of this requested plat amendment area which proposes to combine lot 17, 18, and 19 of the Park City Survey block.

This settlement has been fulfilled. The City did not approve the original 2007 plat amendment concept presented by the previous property owners. This 2007 plat amendment design included a private access driveway on the west side of the subject lots. As indicated on the agreement, under the *No Approval of Plat* term, if the City did not approve the [2007] Plat, then Rossi Hill (previous property owners, Bilbrey and Kelleher) shall proceed forward with the Alternative Development and shall transfer the disputed property to the adjacent property owner (Sorenson) by way of quit-claim deed. This property has been deeded over.

### Ridgeline Development/Vantage Point Analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

*“Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning*

*Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”*

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]).

The LMC definition of Vantage Points outlines ten (10) specific sites including across valley view. Staff received specific direction from the Planning Commission on December 12, 2012 that across valley view has to be at an approximate elevation. The LMC indicates that their function is to assist in analyzing the visual impact of development on hillsides and steep slopes.

The applicant has submitted several exhibits showing renderings (see Exhibit I – Enlarged Artistic Renderings), the proposed structure from six (6) sites on Deer Valley Drive and (see Exhibit J – Deer Valley Drive Site Analysis). The applicant also submitted several photographs across valley view, from PCMR looking east and from the Arie/Masonic Hill (sees Exhibit K – Vantage Point Analysis). Both of these photographs taken at the approximately elevation do not show the proposed structure (development) breaking the skyline from these designated vantage points.

The LMC defines a Ridge Line Area as the “top, ridge or Crest of Hill, or Slope” plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three (3) sides of this site.

Staff does recognize the need to mitigate for proper drainage, steep slopes, etc., and thus Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

Square footage

The LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

Originally there were sixteen (16) lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. The east side of Ontario contains the following:

Plat amendment/ Lot combination	Number of lots	Lot width	Lot area (square feet)
------------------------------------	-------------------	--------------	---------------------------

		(feet)	
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.
Ella Sorenson property*	1*	50.0	4,463.25

\*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to “remove” the lot line through their building.

The average lot width on the east side of Ontario Avenue is 36 feet. The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet.

Staff recommends that additional restrictions need to be placed on the proposed lot limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation).

Staff recommends adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation.

#### Possible Plat Amendment to the South

In November 2012 the property owner to the south submitted a plat amendment application requesting to combine the lots 21 - 32 as a one lot of record to re-subdivide in the form of a condominium Record of Survey at a later date. This property owner requests to build eight (8) single family dwellings over the 12 lots. This proposal includes no curb cuts as it has one (1) shared underground access and the units are platted in the form of Record of Survey, privately owned while the yards, etc., are platted as common ownership. See June 26, 2013 Staff Report – Echo Spur Subdivision within this same packet. However, this application is independent of development to the South.

#### Traffic & Access

Staff finds that traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street). This ROW has not been built and the City does not plat to build this a road. The Planning Commission indicated that if this application is approved access to platted Fifth Street should be prohibited. Staff has added this provision as a conditional of approval.

### Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) lots, certified by a surveyor, which indicates the topography of the site. The LMC currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There are areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. Prior to the issuance of a Historic District Design Review (HDDR) or a building permit, the applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation.

### Good Cause

Staff finds good cause for this plat amendment as the reconfiguration will lessen the impact of the future structures as viewed from Deer Valley Drive at the round-about. The larger lot created by the reconfiguration allows the neighborhood to provide better transition from the historic Old Town layout containing 25' x 75' platted lots to larger lots east and north of the area.

### Process

This recommendation will be forwarded to City Council to make a determination on the plat amendment application. Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a HDDR application and ultimately a building permit application. The approval of this plat amendment application by the City Council

constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

### **Public Input**

No public input has been received by the time of this report.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Lot 17, 18, and 19 Echo Spur Development Replat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Lot 17, 18, and 19 Echo Spur Development Replat and provide specific direction regarding additional information needed to make a recommendation.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

### **Consequences of not taking the Suggested Recommendation**

The lots would remain as is and no construction could take place across the existing lot lines. The three (3) lots are currently platted Old Town lots of record and could be built upon. The property owner could extend access of the current road (Echo Spur Drive) to Lot 17 and 18 since the road was only completed to reach lot 19. The property owner could also build platted Fifth Street (formerly Third Street) from Ontario Avenue to get access for Lot 17 from the North.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions & Topographic Survey

Exhibit C – ALTA/ACSM Survey dated October 2006  
Exhibit D – County Tax Map  
Exhibit E – 09.12.2012 Staff Report  
Exhibit F – 09.12.2012 Planning Commission Meeting Minutes  
Exhibit G – 12.12.2012 Staff Report  
Exhibit H – 12.12.2012 Planning Commission Meeting Minutes  
Exhibit I – Enlarged Artistic Renderings  
Exhibit J – Deer Valley Drive View Site Analysis  
Exhibit K – Vantage Points Analysis – Across Canyon View  
Exhibit L – Site Plan  
Exhibit M – Elevations

Exhibit A – Draft Ordinance with Proposed Plat

**Ordinance No. 13-XX**

AN ORDINANCE APPROVING THE LOT 17, 18, AND 19 ECHO SPUR DEVELOPMENT REPLAT AMENDMENT LOCATED AT 489 MCHENRY AVENUE, PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 12, 2012, a work session discussion on December 12, 2012, and a public hearing on June 26, 2013 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 26, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on \_\_\_\_\_, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Lot 17, 18, and 19 Echo Spur Development Replat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.

6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.
13. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75').
14. The lots on the east side, also within the HR-1 District, consist of large lots ranging from 9,700 to 12,500 square feet.
15. The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street).
16. Platted Fifth Street has not been built and the City does not plat to build this a road.
17. When the road and utilities were built in 2009, the topography was slightly altered.
18. The highest point on the site is six feet (6') higher than the October 2006 survey.
19. Staff recommends, as a condition of approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built.
20. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
21. Staff recommends adding a note on the plat limiting the maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).
22. Traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

#### Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the

requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Before a building permit can be issued, the street shall be either be identified as either private drive or a public street.
4. Access to the site shall not take place over platted Fifth Street (formerly Third Street).
5. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
6. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
7. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
8. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
9. Modified 13-d sprinklers will be required for all new construction.
10. The north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
11. A note on the plat shall be placed which will limit development to a single family dwelling.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

PARK CITY MUNICIPAL CORPORATION

---

Dana Williams, MAYOR

ATTEST:

---

Jan Scott, City Recorder

APPROVED AS TO FORM:

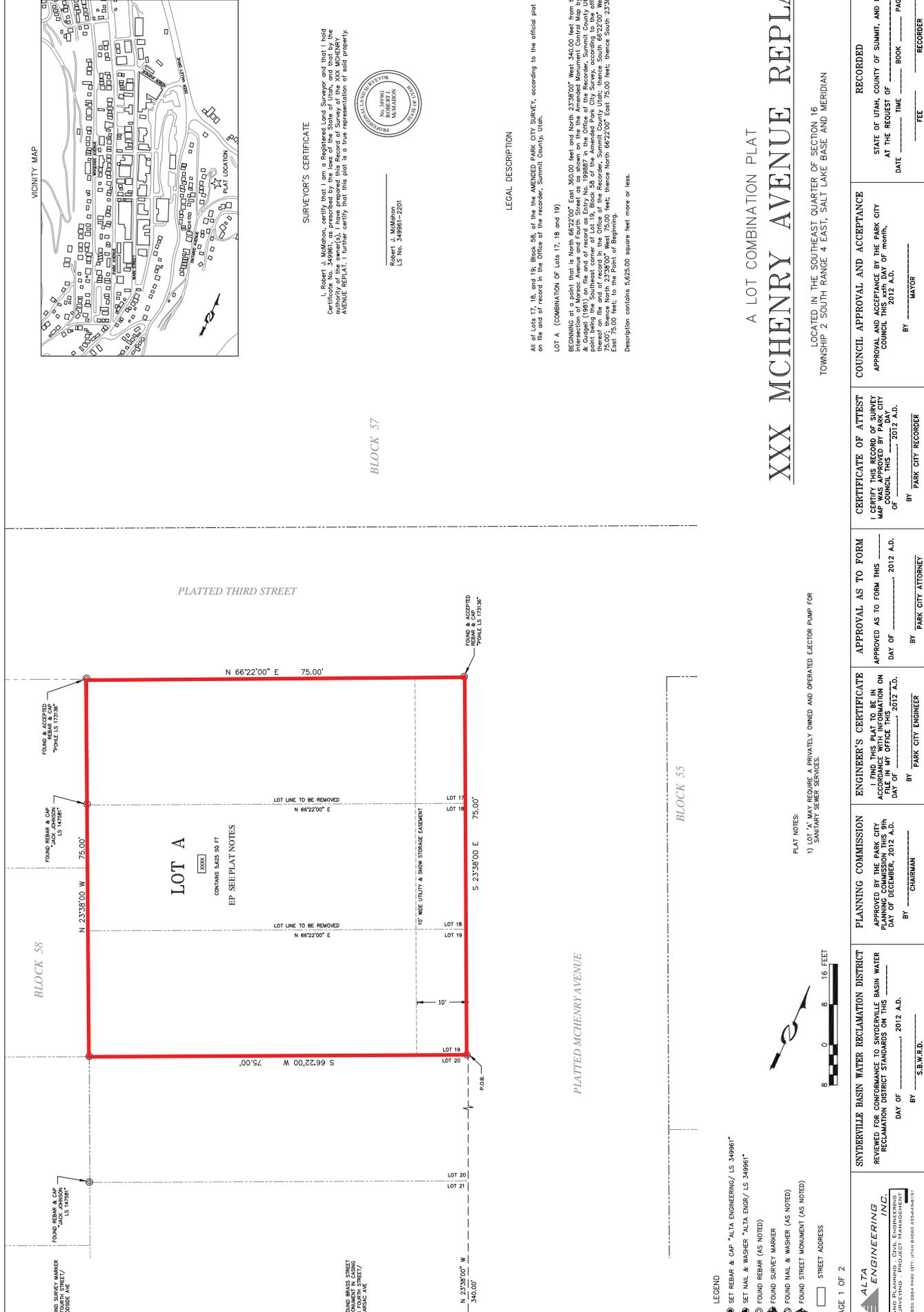
---

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment A - Proposed Plat

Planning Commission 7/31/2013



VICINITY MAP

**SURVEYOR'S CERTIFICATE**  
 I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I hold Certificate No. 349961, as prescribed by the laws of the State of Utah, and that by the authority of the owners, I have prepared this Record of Survey of the XXX MCHENRY AVENUE REPLAT. I further certify that this plat is a true representation of said property.



Robert J. McMahon  
 License No. 349961-2201

BLOCK 57

**LEGAL DESCRIPTION**

All of Lots 17, 18, and 19, Block 55, of the the AMHERST PARK CITY SURVEY, according to the official plat thereof, as the same of record in the Office of the Recorder, Summit County, Utah.  
 LOT A (COMBINATION OF Lots 17, 18 and 19)  
 BEGINNING at a point that is North 66°22'00" East 360.00 feet and North 23°38'00" West 340.00 feet from the intersection of Merac Avenue and Fourth Street as shown on the the Amended Monument Control Map by Bush & Associates, Inc. (LS 349961) and the intersection of Merac Avenue and Fourth Street as shown on the the official plat thereof on file and of record in the Office of the Recorder, Summit County Utah; thence South 66°22'00" West 75.00 feet; thence North 66°22'00" East 75.00 feet; thence North 66°22'00" East 75.00 feet; thence South 23°38'00" East 75.00 feet; to the Point of Beginning.  
 Description contains 5,625.00 square feet more or less.

- LEGEND**
- SET REBAR & CAP "ALTA ENGINEERING/ LS 349961"
  - ⊙ SET NAIL & WASHER "ALTA ENGR/ LS 349961"
  - ⊙ FOUND REBAR (AS NOTED)
  - ⊙ FOUND SURVEY MARKER
  - ⊙ FOUND NAIL & WASHER (AS NOTED)
  - ⊙ FOUND STREET MONUMENT (AS NOTED)
  - STREET ADDRESS



**PLAT NOTES:**  
 1) LOT 'A' MAY REQUIRE A PRIVATELY OWNED AND OPERATED EJECTOR PUMP FOR SANITARY SEWER SERVICES.

A LOT COMBINATION PLAT

**XXX MCHENRY AVENUE REPLAT**

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16  
 TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PAGE 1 OF 2

Page 110 of 181

**ALTA ENGINEERING INC.**  
 LAND SURVEYING, CIVIL ENGINEERING, PROJECT MANAGEMENT  
 2000 S. 1000 E. SUITE 100, SUMMIT COUNTY, UTAH 84062-2354-4280

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF \_\_\_\_\_, 2012 A.D.  
 BY \_\_\_\_\_ CHAIRMAN

**PLANNING COMMISSION**  
 APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF DECEMBER, 2012 A.D.  
 BY \_\_\_\_\_ CHAIRMAN

**ENGINEER'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE INFORMATION ON THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 FILED IN MY OFFICE THIS DAY OF \_\_\_\_\_, 2012 A.D.  
 BY \_\_\_\_\_ PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM THIS DAY OF \_\_\_\_\_, 2012 A.D.  
 BY \_\_\_\_\_ PARK CITY ATTORNEY

**CERTIFICATE OF ATTEST**  
 I HEREBY CERTIFY THAT THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF \_\_\_\_\_, 2012 A.D.  
 BY \_\_\_\_\_ PARK CITY RECORDER

**COUNCIL APPROVAL AND ACCEPTANCE**  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF MONTH, 2012 A.D.  
 BY \_\_\_\_\_ MAYOR

**RECORDED**  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Ryan Blibrey, Managing Member, LLC, a Utah Limited Liability Company, the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recording of this Lot Line Adjustment Plat to the City of Park City, Utah, and to the City of Park City all the owners of their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, poles, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Ryan Blibrey, Managing Member

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Ryan Blibrey personally appeared before me, the undersigned Notary Public, in and for said state and county, Ryan Blibrey, having been duly sworn, acknowledged to me that he is the Managing Member of Ryan Blibrey Holdings, LLC, a Utah Limited Liability Company, owner of the above described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

Stephen Connolly

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Stephen Connolly personally appeared before me, the undersigned Notary Public, in and for said state and county, Stephen Connolly, having been duly sworn, acknowledged to me that he is the undersigned owner of the above described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the XXX MCHENRY AVENUE REPLAT, do hereby certify that I have caused this Lot Line Adjustment Plat to be prepared, and I, Stephen Connolly hereby consent to the recording of this Lot Line Adjustment Plat to the City of Park City, Utah, and to the City of Park City all the owners of their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, poles, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Stephen Connolly

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Stephen Connolly personally appeared before me, the undersigned Notary Public, in and for said state and county, Stephen Connolly, having been duly sworn, acknowledged to me that he is the undersigned owner of the above described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Dali Investments, LLC, a Utah Limited Liability Company, the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recording of this Lot Line Adjustment Plat to the City of Park City, Utah, and to the City of Park City all the owners of their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, poles, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Jennifer Ann Blibrey, Managing Member

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Jennifer Ann Blibrey personally appeared before me, the undersigned Notary Public, in and for said state and county, Jennifer Ann Blibrey, having been duly sworn, acknowledged to me that she is the Managing Member of the Dali Investments, LLC, a Utah Limited Liability Company, owner of the above described tract of land and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

Connie Blibrey, Managing Member

State of \_\_\_\_\_ as: \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Connie Blibrey personally appeared before me, the undersigned Notary Public, in and for said state and county, Connie Blibrey, having been duly sworn, acknowledged to me that she is the undersigned owner of the herein described tract of land and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

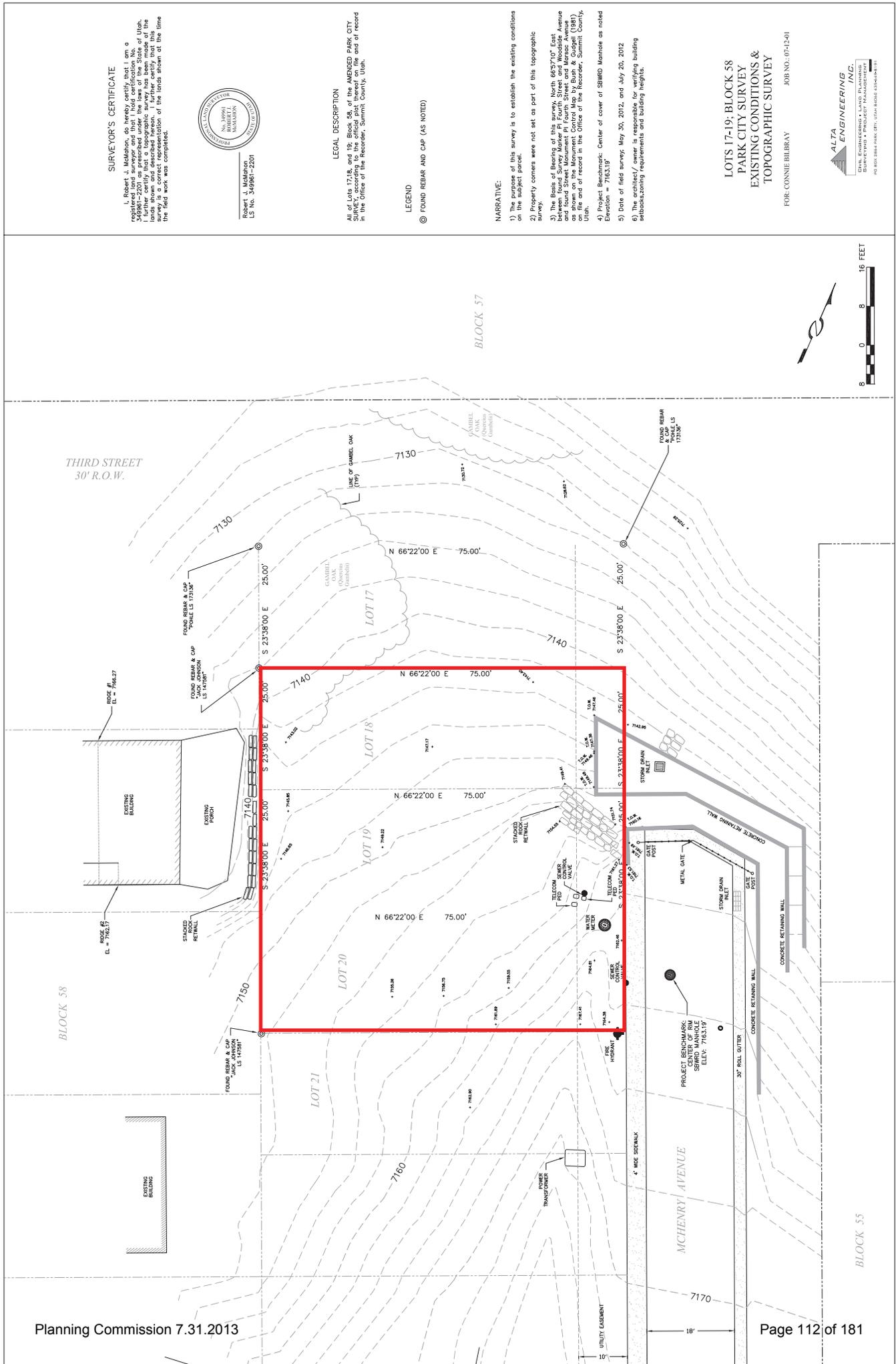
Residing in: \_\_\_\_\_ Printed Name \_\_\_\_\_ My commission expires: \_\_\_\_\_

XXX MCHENRY AVENUE REPLAT

A LOT COMBINATION PLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN





THIRD STREET  
30' R.O.W.

BLOCK 58

BLOCK 57

BLOCK 55

MCHENRY AVENUE



**SURVEYOR'S CERTIFICATE**

I, Robert J. McMahon, do hereby certify that I am a registered professional engineer and land surveyor in the State of Utah. I further certify that a topographic survey has been made of the lands shown on this plan and that the same is a correct representation of the lands shown at the time the field work was completed.



Robert J. McMahon  
LS No. 346987-2201

**LEGAL DESCRIPTION**

All of Lots 17, 18, and 19, Block 58, of the AMENDED PARK CITY SURVEY according to the official plat thereof, file one of record in the Office of the Recorder, Summit County, Utah.

**LEGEND**

© FOUND REBAR AND CAP (AS NOTED)

**NARRATIVE:**

- 1) The purpose of this survey is to establish the existing conditions on the subject parcel.
- 2) Property corners were not set as part of this topographic survey.
- 3) The Basis of Bearing of this survey, North 66°37'10" East between Found Survey Marker #1 Fourth Street and Woodside Avenue between Found Survey Marker #2 and Found Survey Marker #3 on a stone on the Monument Control Map by Bush & Goudge (1987) on file and of record in the Office of the Recorder, Summit County, Utah.
- 4) Project Elevation: Center of cover of SBIRD Manhole as noted Elevation = 7163.19'
- 5) Date of field survey, May 30, 2012, and July 20, 2012
- 6) The architect/owner is responsible for verifying building setback/ zoning requirements and building heights.

LOTS 17-19, BLOCK 58  
PARK CITY SURVEY  
EXISTING CONDITIONS &  
TOPOGRAPHIC SURVEY

FOR: CONNIE BILBURY  
JOB NO.: 07-1241





**PARK CITY - BLOCKS 55,58,62,63,SECTION 16,T2S R4E,S.L.B.&M.**

BOOK PAGE

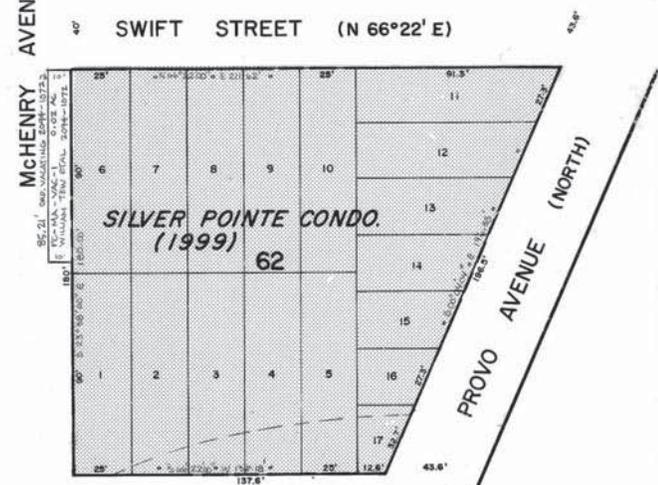
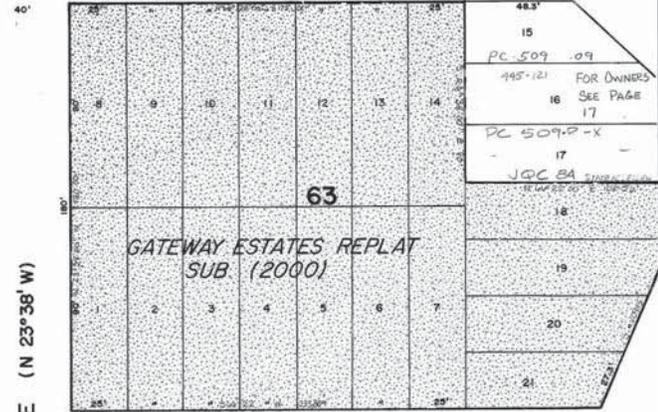
57

Note: # REFERS TO STREET ADDRESS

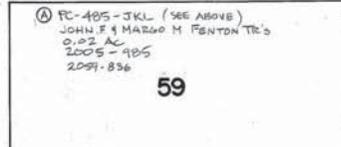
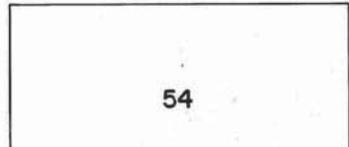
THIRD STREET (N 66°22' E)  
AKA - FIFTH ST

PC-464-A-7 AMG ASSOCIATES LLC 1703-1763 2193-4009 2007-1800	PC-464-A-1 1703-1763 2193-4009 2007-1800	PC-464-A-7 SCOTT & TRACY SCOTT 1803-1820 15 1803-1770 1805-1856	PC-464-A-4 JAMES A HANCOCK 1804-1669 & 1675-1900	PC-464-A-3 DAMD NORMAN & SUPARNA BANERJEE 1803-1800 202-3-3577	PC-464-A-2 MARC & DEBORAH P. ABBOTT 1803-1800 202-3-3577	PC-464-A-1 LIT 1803-1800 202-3-3577	PC-464-A-1 RELLY KEMP 1803-1800 202-3-3577	PC-461 LINDAY AIRD 1803-1800 202-3-3577	PC-453-460-A SCOTT & JACQUELINE COPE 543-1795	PC-453-460 KATHY STEADMAN 1800-1543-1545 4 545-775 474-766 476-155	PC-458-A BRUCE & ANITA L CRANE 1803-1800 202-3-3577	402 MARSAC REPLAT SUB. (2006)	31
--	--	--	--	--	--	---	--	---	---	--	---	-------------------------------	----

PC-464-A-1 PHILAV HUEHMANN ESQ 1428-57	MILL-700 15	GRENNEY SUB. (1995) 14	PC-464-A-5 EIX LLC 1675-1979	PC-464-A EIX LLC 1675-1979										
--	----------------	---------------------------	------------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------



FOURTH STREET (N 66°22' E)



Approved Utah State Tax Comm	REVISIONS - DATE AND INITIAL (In Pencil)	SCALE ONE INCH 40 FEET BOOK PAGE
Date	By	Engineering Associates Inc.

**SUMMIT COUNTY, UTAH**

## Planning Commission Staff Report



**Application #:** PL-12-01629  
**Subject:** Lot 17, 18, and 19 Echo Spur  
Development Replat  
**Author:** Francisco Astorga, Planner  
**Date:** September 12, 2012  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### Description

**Applicant:** Leeto Tlou  
**Location:** Lots 17 – 19, Block 58, Park City Survey  
489 McHenry Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

### Proposal

The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.

### Purpose

The purpose of the Historic Residential (HR-1) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

## **Background**

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plat the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

## **2007 Plat Amendment**

In April 2007, the City received an application for a plat amendment to lots 17-32, Block 58 of the Park City Survey. The applicant proposed to combine the sixteen (16) lots into seven (7) lots; four (4) of the lots were of sufficient size to have a duplex built on each although one lot was proposed to be deed restricted to a single unit. Ten (10) units were possible.

In July 2007, the Planning Commission discussed the original submittal at both a work session and public hearing. The primary issue at that time was the vacation of platted, but un-built McHenry Avenue adjacent to the lots in question. At the hearing the Planning Commission requested a joint hearing with the City Council to get direction on the street vacation request. The joint meeting was held in August 2007. Based on the outcome of the joint meeting, the applicant revised their plans and was no longer requesting the vacation of McHenry but requested to construct an access road within the right of way.

In May 2008, the Planning Commission reviewed the applicant's additional request of the street vacation of platted Fourth Street (approximately 1,831 square feet) in exchange for a dedicated access and paved drive for neighboring Ontario Avenue lots (approximately 1,875 square feet). A second driveway between Lots 5 and 6 would be platted as an easement to provide necessary fire truck turnaround.

The revised application also reflected a dedication of land to Ella Sorenson, owner of property fronting Ontario Avenue but with historical access and use of land on the eastern border of her property. Also shown was possible widening of Rossi Hill Drive for street parking between platted McHenry and Lot 13, block 59. As the City does not have right of way across Lot 14, block 59, except by prescriptive use, this pullout was likely to be shorter than proposed. The Planning Commission voted unanimously to direct staff to prepare findings for a negative recommendation to the City Council. In July 2008, the application was withdrawn by the applicant.

## **2010 Plat Amendment**

In March 2010, the City received another application for a plat amendment to lots 17-29, Block 58 of the Park City Survey. This proposed plat reconfigures the thirteen (13) lots into nine (9) lots. The developer was in the final stages of improving McHenry Avenue on the east side of the property. In March 2010 the Planning Commission reviewed the application for compliance with the Land Management Code in regards to lot combination, access and lot layout during a work session and provided feedback to the applicant.

In 2011 the applicant amended their application to only include the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The applicant requested approval to re-plat the three (3) lots of record into two (2) lots equally divided, on a north and south alignment parallel to Echo Spur Drive, creating two (2) lots with 37.5'x75' dimensions each. This application was later withdrawn by the applicant.

**Analysis**

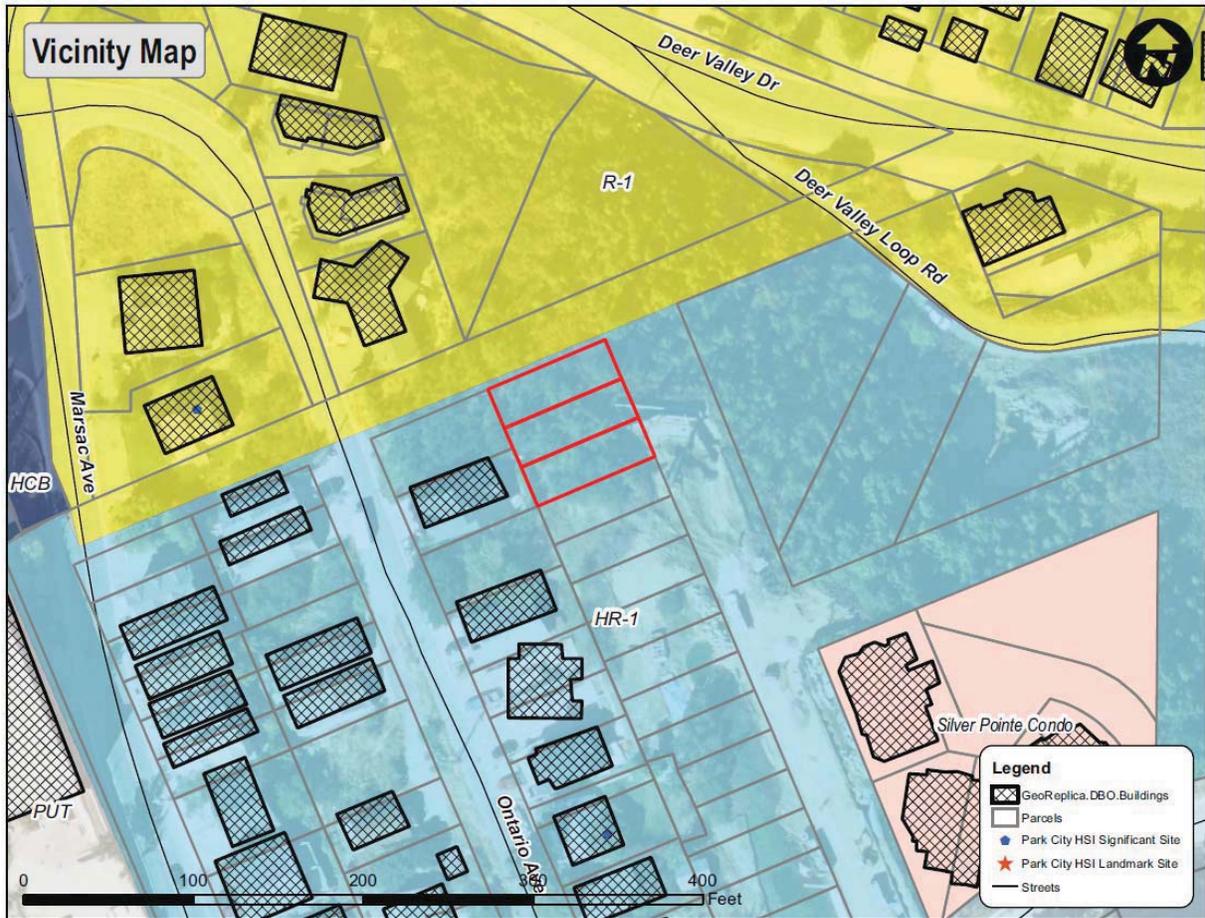
The current proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

The applicant has indicated that they would like to build a single family dwelling. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)
Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, max.
Number of stories	A structure may have a max. of 3 stories.
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds good cause for this plat amendment as the combined proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots on the east side, also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. See Exhibit below showing the character of the lots:



### Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) lots, certified by a surveyor, which indicates the topography of the site. The Land Management Code (LMC) currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There appear to be areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. The applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the

topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation.

#### Ridge Line Development

The LMC indicates that ridges shall be protected from development, which development would be visible on the skyline from the designated vantage points in Park City (LMC § 15-7.3-2[D]). The LMC defines a ridge line area as *the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.*

LMC § 15-7.3-1(D), under Restrictions due to Character of the Land indicates that land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, physical mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

**Discussion requested: Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three sides of this neighborhood. However, Staff does recognize the need to mitigate for proper drainage, steep slopes, etc. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface. Does the Planning Commission concur with Staff related to the requested increased setback area?**

#### Square footage

The LMC indicates that the maximum dwelling or unit square footage may be required to be placed as a note on the plat. Limited building heights may also be required for visually sensitive areas.

**Discussion requested: Staff finds that additional restrictions need to be placed on the proposed lot limiting the maximum square footage in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation). The property owner indicated that they would like to build a single**

family dwelling ranging from 3,000-4,000 square feet. Staff recommends adding a note on the plat limiting the gross maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation. Does the Planning Commission find that additional limitations need to be noted on this plat restricting floor area, footprint, building height, setbacks, additional square footage or height other than the development parameters found on this staff report?

### **Good Cause**

Staff finds good cause for this plat amendment as the reconfiguration will lessen the impact of the future structures as viewed from Deer Valley Drive at the round-about. The larger lot created by the reconfiguration allows the neighborhood to provide better transition from the historic Old Town layout containing 25' x 75' platted lots to larger lots east and north of the area.

### **Process**

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

This project has gone through an interdepartmental review. No further issues were brought up at that time.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

### **Public Input**

No public input has been received by the time of this report.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and provide specific direction regarding additional information needed to make a recommendation.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

### **Consequences of not taking the Suggested Recommendation**

The lots would remain as is and no construction could take place across the existing lot lines. The lots are currently platted lots of record. The property owner would have to extend access of the current road since the road was only completed to reach lot 19.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions & Topographic Survey
- Exhibit C – ALTA/ACSM Survey dated October 2006
- Exhibit D – County Tax Map

Exhibit A – Draft Ordinance with Proposed Plat

**Ordinance No. 12-\_\_**

AN ORDINANCE APPROVING THE LOT 17, 18, AND 19 ECHO SPUR DEVELOPMENT REPLAT AMENDMENT LOCATED AT 489 MCHENRY AVENUE, PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 12, 2012 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on \_\_\_\_\_, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on \_\_\_\_\_, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Lot 17, 18, and 19 Echo Spur Development Replat plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.

7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.
13. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75').
14. The lots on the east side, also within the HR-1 District, consist of large lots ranging from 9,700 to 12,500 square feet.
15. When the road and utilities were built in 2009, the topography was slightly altered.
16. The highest point on the site is six feet (6') higher than the October 2006 survey.
17. Staff recommends, as a condition of approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built.
18. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
19. Staff recommends adding a note on the plat limiting the maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).

#### Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
4. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
5. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
6. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
7. Modified 13-d sprinklers will be required for all new construction.
8. the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

8. Modified residential 13-D sprinklers shall be required for all new construction.
9. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
10. The plat shall include an encroachment easement for the Quittin' Time condominiums wood step and foot path from the step to the north property line.
11. The plat shall contain a note indicating that the northwest area of the Lot is identified as year-round access to adjacent neighbors.
12. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall include the method and means of protecting the historic house during construction.
13. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
14. A note shall be added to the plat indicating that any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house.
15. Conditions of Approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
16. All Standard conditions of approval shall apply.
17. The applicant stipulates to these conditions of approval.

**4. Echo Spur, Lots 17-19 – Plat Amendment  
(Application #PL-12-01629)**

Planner Francisco Astorga reviewed the application to reconfigure Lots 17, 18 and 19 of Block 58 of the Park City Survey. The site is located north of the intersection of Rossi Hill Drive and platted McHenry. The street is currently platted as McHenry Avenue and that will be the official address until the City Engineer changes the name to Echo Spur. Per the City Engineer, this plat amendment is to be referred to as Lots 17, 18 and 19, Echo Spur development replat. The applicant, Leeto Tlou purchased the property in August and is now the owner of Lots 17, 18 and 19.

Mr. Astorga stated that Mr. Tlou filed an application for a plat amendment to combine the three lots of record into one lot. These lots are part of the Historic Park City Survey. The proposed lot would contain 5,625 square feet.

Planner Astorga reviewed the history of the 2007 and 2010 applications that were submitted by the previous property owner. He noted that both applications were eventually withdrawn and no official action was taken. One of the previous applications included up to 16 lots. The other application started with 16 and was later revised to the same three lots as the current application.

Planner Astorga reported that the minimum lot area for a single family dwelling is 1875 square feet, and the standard configuration of a 25' x 75' lot. The minimum lot area for a duplex is 3750 square feet. Planner Astorga stated that the current proposed lot area was 5,625 square feet, which meets the criteria for a duplex. However, a duplex is a conditional use and would require approval by the Planning Commission. At this point, the applicant was not requesting a duplex.

Planner Astorga reviewed the requirements of the HR-1 zone, as outlined on page 181 of the Staff report. He stated that the building footprint formula would trigger approximately 2,000 square feet maximum due to the lot combination.

Planner Astorga outlined three discussion items for the Planning Commission. Due to the regulation of the building footprint and the limit of three stories under the current Code, they could potentially see a 6,000 square foot building. Gross floor area is not regulated in the HR-1 District, but it is indirectly regulated through the footprint and the maximum number of stories. The Staff report contained an analysis of the sites on Ontario Avenue, where most of the properties have a combination of 1-1/2 lots, which triggers a footprint of 1,200 square feet. Given that number, times the number of stories, the Staff recommends adding a regulation that would cap the gross floor area to approximately 3600 square feet to be more compatible with the Ontario Avenue area. Planner Astorga pointed out that there were larger lots of record east of the subject area which trigger a larger footprint.

Planner Astorga reported that the applicant disagreed with his recommendation and he would let Mr. Tlou explain his plan. Planner Astorga requested input from the Planning Commission on whether the additional limitation was appropriate in conjunction with this plat amendment.

Planner Astorga commented on the second discussion item. Ridgeline development per the LMC indicates that the Planning Commission may add additional restrictions in specific ridgelines. He pointed out that these were historic platted lots of record and the City has approved development in the past on both the Ontario side of this neighborhood and Silver Pointe MPD that was approved with the larger lots on the west side of McHenry. However, in order to mitigate for proper drainage, steep slopes, etc., the Staff requests that the north side yard minimum be increased to 15' on that side, plus the other five per Code. The Code requires 18' total, however, the Staff was requesting 20' on the north side.

The third discussion item related to height and topography. The Staff was able to find a survey dated 2006, which indicated that the older survey had a different highest point on this site, mainly due to the construction of the road. The Staff recommended measuring the maximum height from the older survey because it has a lower elevation.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the items outlined, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Leeto Tlou, the applicant, has lived in Park City for ten years. He did not have issues with the Staff report and the disagreement with Planner Astorga was actually a minor conversation. Mr. Tlou commented on the setbacks. He stated that the designs were not set at this point and he was unsure how the setbacks would work. He asked if the 15' setback increase would be set with the plat amendment or not until the CUP. Mr. Tlou referred to the 3600 square foot maximum. He was not interested in building a 6,000 square foot home, but as indicated in the Staff report, he was considering a 3,000 to 4,000 square foot house. When he communicated that to the Staff, he neglected to communicate conditioned versus unconditioned space. He was unsure whether additional square footage for a garage would be available.

Planner Astorga remarked that Criteria 7 of the Steep Slope Conditional Use permit indicates that the Planning Commission may add additional setbacks to designs through the CUP.

Commissioner Hontz asked if the roundabout at Deer Valley Drive was a designated vantage point. Planner Astorga looked it up in the Land Management Code and found that it was not a vantage point.

Commissioner Hontz understood that the improvements and the conditions regarding the road had not been dedicated to the City. City Engineer, Matt Cassel, replied that the road had not been dedicated yet. He explained that the applicant is currently in a warranty period that ends in November. If everything goes well, it would go before the City Council for dedication in December or January. Commissioner Hontz commented on past issues with retaining. She understood that if everything goes well, the City would accept those improvements and it would become a public street. Mr. Cassel replied that this was correct. Commissioner Hontz wanted to know what could happen with platted Third Street to the north of Lot 17. Mr. Cassel stated that it is too steep for a road, but it could be used as a utility corridor. Commissioner Hontz clarified that access to those lots would not take place off of that street, and she suggested making that a condition of approval. Commissioner Hontz thought the retaining wall was very noticeable from the Deer Valley roundabout and looked extremely tall. Mr. Cassel assumed she was talking about the lower concrete retaining wall at the bottom. He could not recall the height of the retaining wall. However, the landscaping that was put in had died and new landscaping would need to be established. The purpose of the landscaping is to help hide the retaining wall. Commissioner Hontz asked how the lot would gain access. Mr. Cassel stated that there is enough space to get on to Lot 19 and access from there. Commissioner Hontz stated that until the time when the City accepts the improvements to make that Echo Spur, she assumed they could still access along the private road. Commissioner Hontz asked if there was a bond for replanting the landscaping. Mr. Cassel answered yes.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Hontz stated that in researching the public data base, she found a development in the land use agreements related to lots in this vicinity that could potentially affect access or relationship with the Echo Spur lot. She had presented the information she found to the Legal Department. Commissioner Hontz recommended that the Planning Commission continue this item to allow time for our legal counsel to review and confirm that it may or may not have impacts to the relationship with these properties. Her interpretation is that it does and that causes her concern.

Commissioner Hontz rejected the notion that this was not part of a ridgeline, based on the Land Management Code. She stated that LMC 15-7.3-1(D) is important when taking into account the very sensitive nature of this particular area. She understood that the surrounding area has been developed and much of that occurred prior to the most recent LMC amendments. Commissioner Hontz concurred with the Staff recommendation regarding the setback area. Commissioner Hontz also concurred with the Staff request for additional limitations on maximum square footage. She was very concerned about the vantage point because it is very abrupt looking from the roundabout. If you can see the retaining wall, the house would be much more visible.

Commissioner Hontz pointed out that these are lots at the end of what may be a future subdivision. As shown in the Staff report, it comes with a variety of configurations. She felt it was difficult to take the step to look at these lots with an existing land use agreement in place that would affect the lots, but secondly, it would set precedent for five to six lots leading up to this. She did not understand the impacts to the neighborhood and the surrounding area and that should be taken into account based on what the Planning Commission is allowed to do under good cause and the purpose statements of the HR-1 District.

Commissioner Thomas believed the issues warranted a group site visit, and possibly looking at the property with balloons flying from the site at a reasonable structure height to consider the visual impacts.

Commissioner Strachan agreed that a site visit would be worthwhile. He would like to see exactly where the building footprint would be with the new proposed setbacks. He was particularly concerned with the north side. In addition to view issues, there were also major issues in terms of drainage and topography that a site visit would allow them to digest. Commissioner Strachan echoed Commissioner Hontz regarding a precedent that could be set for nearby lots. One of the requirements for good cause for plat amendments is to utilize best planning practices. A best planning practice would be to see how this would align with the other lots that may be developable in the Echo Spur area. He was unsure how to look that far into the future. Commissioner Strachan did not think they could say that Lot 17, 18, and 19 could be combined into one lot and disregard Lots 20, 21 and 22 when they will probably end up using the same access point of the newly constructed and to be dedicated road. Commissioner Strachan believed the plat amendment needed to be looked at from a larger perspective than just lots 17, 18 and 19. The Code allows it and directs them to use best planning and design practices, resolve existing issues and non-conformities and to provide positive benefits and mitigate negative impacts. Commissioner Strachan directed the Staff to look at the status of Lots 20 and 21 and what implication this plat amendment would have for those lots.

Planner Astorga stated that the Staff would look at the land use agreement Commissioner Hontz mentioned. He noted that Lot 20 is currently owned by Mike Green and he plans to build one single family dwelling. Lots 21-32 are currently owned by Sean Kelleher. He has come in many times, but has not committed to submitting a plat amendment to combine lots to build single family dwellings.

Commissioner Strachan thought it would be worthwhile for the Planning Commission to look at the old plat amendment submittals from Kelleher and Bilbrey. It would at least give them an idea of what could be done and how it would work with the plat amendment to combine Lots 17, 18 and 19. Commissioner Strachan stated that the impact of a home on Lots 17, 18 and 19 may not be significant in and of itself, but the homes that could be built on the rest of the lots cumulatively could significantly disrupt the vantage point on Deer Valley Drive.

Commissioner Strachan recommended that the Staff bring this back for a work session. The suggestion was made to schedule a site visit and the work session on the same night. Planner Astorga requested that the item be continued to a date uncertain to give the applicant and his architect time to come up with a preliminary design for the Planning Commission to review.

MOTION: Commissioner Strachan moved to CONTINUE this item to a date uncertain. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**5. 200 Ridge Avenue - Subdivision  
(Application #PL-10-00977)**

Planner Evans reviewed the request for a plat amendment to combine 9 Old Town lots and approximately 21 partial lots to create a six lot subdivision. The Planning Commission reviewed this application at three previous meetings. The applicant was proposing to create six lots ranging in size from 3,700 square feet to 6100 square feet. The minimum lot size in the HRL Zone is 3,750 square feet. Therefore, each proposed lot would meet or exceed the minimum.

Planner Evans reported that the application first came before the Planning Commission in June 2010 as a work session item. At that time the Planning Commission raised a series of issues outlined in the Staff report. The applicant came back on April 24, 2012 and the Planning Commission had additional concerns. The first was that the slope of each lot was very steep and questioned whether homes could be built on each lot without a variance. The second issue was that unplatted Ridge Avenue is very narrow and raised concerns regarding emergency access. The third issue related to mitigation and preservation of the existing vegetation on the site to accommodate six lots. There was concern about destabilizing the hillside and impacts to the homes on Daly Avenue. The fourth issue was that the concerns raised during the 2010 work session had not been addressed or mitigated. The fifth issue was that the proposed subdivision did not meet the purpose of the HRL zone, particularly with consideration to Section A of the purpose statement, which says to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. The last issue was that this

## Planning Commission Staff Report



**Application #:** PL-12-01629  
**Subject:** Lot 17, 18, and 19 Echo Spur  
Development Re-plat  
**Author:** Francisco Astorga, Planner  
**Date:** December 12, 2012  
**Type of Item:** Administrative – Plat Amendment  
Site Visit and Work Session Discussion

### Summary Recommendations

Staff recommends the Planning Commission review the plat amendment located at 489 McHenry Avenue, Lot 17, 18, and 19 Echo Spur Development Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the application and Staff regarding the proposed lot combination.

### Description

**Applicant:** Leeto Tlou represented by Scott Jaffa, architect  
**Location:** Lots 17, 18, & 19, Block 58, Park City Survey  
489 McHenry Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

### Proposal

The proposal includes the consolidation of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) standard Old Town lots into one (1) lot of record to be able to build one single family dwelling.

### Purpose

The purpose of the Historic Residential (HR-1) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and

- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

**Background**

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Re-plat plat amendment. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

The Planning Commission reviewed this plat amendment request during the September 12, 2012 meeting. At this meeting the Commission continued this item to a date uncertain. During this meeting the Commission was concerned with the following:

- 2007 settlement agreement
- Ridgeline development/vantage point analysis
- Increased setback/maximum square footage limitations
- Future plat amendment to the south
- Footprint placement on the proposed lot

The September 12, 2012 Planning Commission staff report and meeting minutes are attached (see Exhibit A). The Commission recommended that this plat amendment be reviewed as a work session discussion as well as scheduling a site visit. Staff has prepared an analysis of the items mentioned above. Additional background information dating back to 2007 and 2010 can be found in the September 2012 Staff report (see Exhibit B).

**Analysis**

The current proposed plat amendment creates one (1) lot of record from three (3) Old Town legal lots of record, Lot 17, 18, & 19, Block 58 of the Park City Survey. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

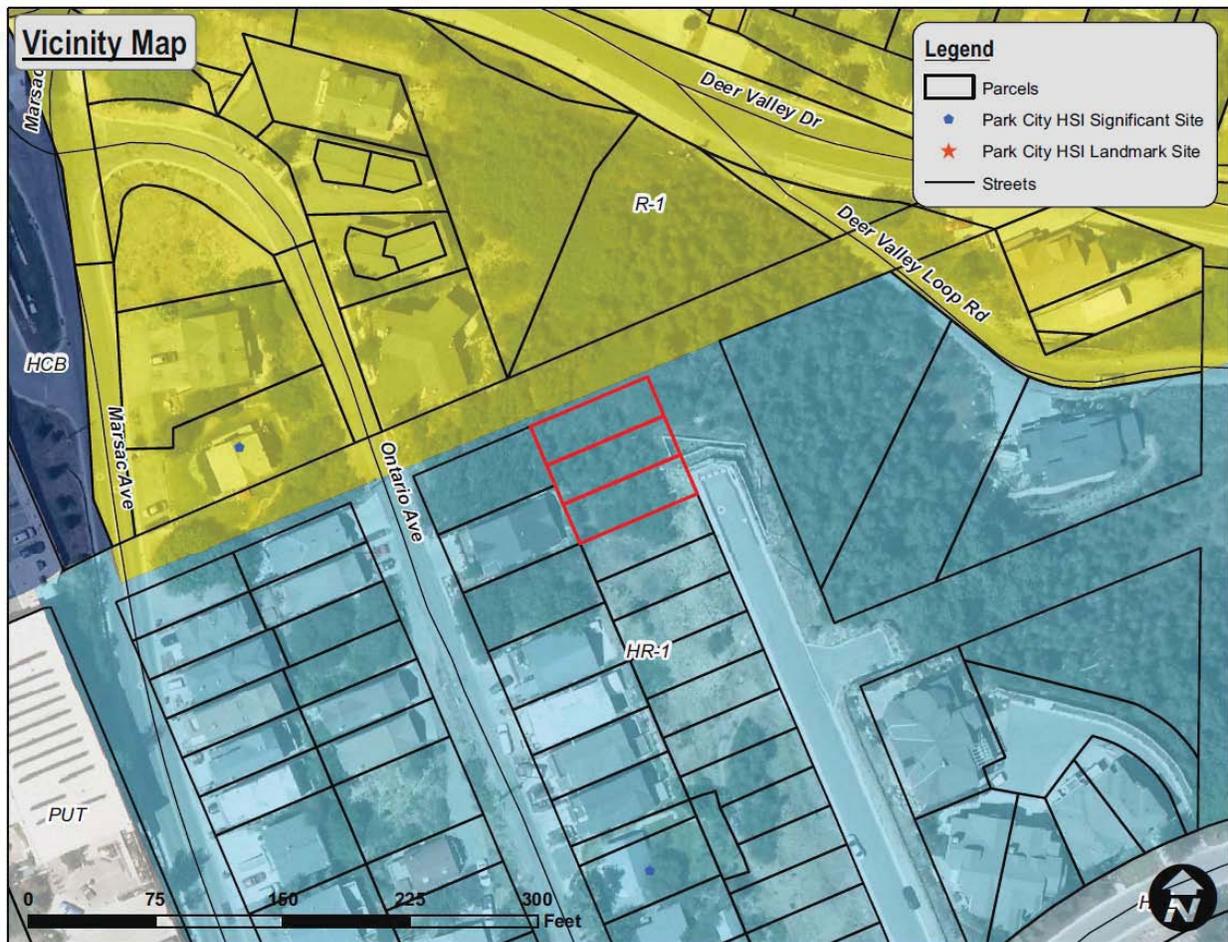
The applicant has indicated that they would like to build a single family dwelling on the proposed lot. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)

Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, maximum
Number of stories	A structure may have a maximum of 3 stories
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are legal lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds good cause for this plat amendment as the combined proposed lots will facilitate a transition area between the neighborhood on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.



### 2007 Settlement Agreement

In November 2007 the previous property owners of these lots (Connie Bilbrey and Sean Kelleher) signed a Settlement Agreement with the property owner to the west (Ella Sorenson). Both parties disputed the ownership of a certain portion of property. The disputed property lies within the wire fence and shed, specifically over lot 26, 27, and 28, of Block 58, of the Park City Survey. The disputed area is not part of this requested plat amendment area which proposes to combine lot 17, 18, and 19 of the Park City Survey block.

This settlement has been fulfilled. The City did not approve the original 2007 plat amendment concept presented by the previous property owners. This 2007 plat amendment design included a private access driveway on the west side of the subject lots. As indicated on the agreement, under the *No Approval of Plat* term, if the City does not approve the [2007] Plat, then Rossi Hill (previous property owners, Bilbrey and Kelleher) shall proceed forward with the Alternative Development and shall transfer the Disputed Property to the adjacent property owner (Sorenson) by way of quit-claim deed. This property has been deeded over.

### Ridgeline development/vantage point analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

*“Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”*

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]). The LMC defines a Ridge Line Area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. The Vantage Points LMC definition outlines ten (10) specific vantage points as well as across valley view. It also defines it as a height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes.

The applicant has submitted several exhibits showing the proposed structure on the proposed lot from six (6) vantage points on Deer Valley Drive as well as several renderings of the proposed structure (see Exhibit C - Vantage Point Analysis & Exhibit D - Renderings).

**Discussion requested:** Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three (3) sides of this neighborhood. However, Staff does recognize the need to mitigate for proper drainage, steep slopes, etc. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface. Does the Planning Commission concur with Staff related to the requested increased setback area? Does the Planning Commission consider the area of development a Ridgeline? If so, can the Commission provide direction as to how this can be mitigated?

Square footage

The LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

Originally there were sixteen lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. This east side of Ontario contains the following

Plat amendment/ Lot combination	Number of lots	Lot width (feet)	Lot area (square feet)
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.
Ella Sorenson property*	1*	50.0	4,463.25

\*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to "remove" the lot line through their building.

The average lot width on the east side of Ontario Avenue is 36 feet. The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet.

**Discussion requested:** Staff finds that additional restrictions need to be placed on the proposed lot limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this

site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation). Staff recommends adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation. **Does the Planning Commission find that additional limitations need to be noted on this plat restricting floor area, footprint, building height, setbacks, additional square footage or height other than the development parameters found on this staff report?**

#### Future plat amendment to the south

In November 2012 the property owner to the south submitted a plat amendment application requesting to combine the lots 21 - 32 as a one lot of record to later re-subdivide at a later date (see Exhibit F - Adjacent Property Owner's future plans/statement). Please note that at this time the application for these adjacent lots has not been formally reviewed or approved. The property owner indicated in the past that he would like to build 7 - 9 single family dwellings over the 12 lots.

#### Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) subject lots, certified by a surveyor, which indicates the topography of the site. The Land Management Code (LMC) currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There appear to be areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. The applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation. **Does the Planning Commission concur with this condition of approval?**

### **Recommendation**

Staff recommends the Planning Commission review the plat amendment located at 489 McHenry Avenue, Lot 17, 18, and 19 Echo Spur Development Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the application and Staff regarding the proposed lot combination.

### **Exhibits**

Exhibit A – 9.12.2012 Planning Commission meeting minutes

Exhibit B – 9.12.2012 Staff Report & Exhibits including:

- Proposed Plat
- Existing Conditions & Topographic Survey
- ALTA/ACSM Survey dated October 2006
- County Tax Map

Exhibit C – Vantage Point Analysis

Exhibit D – Renderings

Exhibit E – Site, Floor, & Elevation Plans

Exhibit F – Adjacent Property Owner's future plans/statement

individual smaller components that are compatible with the District. The garage must be subordinate in design of the main building. Commissioner Strachan believed the language encourages having a separated garage. It would be hard to predict whether or not someone would try to enclose it eventually. Commissioner Strachan felt that overall the dwelling mass and volume was incompatible with the surrounding houses, with the exception of 205 Norfolk which should not be a basis for compatibility analysis. He views the analysis as a bell curve and the proposed project should be near the middle to be considered even close to compatible.

Mr. DeGray asked if the compatibility issue was the size of the building or the mass above grade. Mr. Strachan replied that it was mass of the building above grade. Mr. DeGray pointed out that the average for the area came in at 3700 square feet. The proposed project is larger at 4500 square foot gross, but they are comparable to the other structures at 60 Sampson, 50 Sampson and the recently approved projects at 16 Sampson and 201 Sampson. Commissioner Strachan remarked that the smaller structures such as the one at 41 Sampson are the ones that need to be taken into account. He clarified that in addition to the size above grade, it is also the size of the entire living space. Commissioner Strachan pointed out that the purpose statements in the Code do not differentiate between above grade and below grade. His primary concern was the massing above grade; however, the CUP process analysis will also look at the total area.

Commissioner Savage thought the applicant was in the zone they needed to be in as it relates to the comparables in that particular part of the neighborhood. The house looks nice and interesting and it appears to adapt to an extremely challenging lot situation. Commissioner Savage suggested that the applicant look at changing the façade of the home to make it look and feel more historic in terms of presentation. From his perspective, the design and configuration as proposed was not inconsistent with what exists in the neighborhood. He felt it was difficult to be consistent with a hodgepodge of structures.

Commissioner Hontz noted that page 73 of the Staff report showed the size of surface parking and asked for the dimensions. Mr. DeGray replied that it was 9' x 18'.

Vice-Chair Thomas agreed that it was a difficult argument to fit within the purpose statements and the burden was on the applicant to demonstrate compatibility with the historic fabric of the community in terms of mass, scale and height, and how it is consistent with the purpose statements. He noted that the Planning Commission has the purview to reduce height on a Steep Slope CUP and he would prefer to see the height reduced. Vice-Chair Thomas struggled with the drawings presented and questioned how it was not one house based on the design. The roof is connected to the elevator and the elevator is connected to the garage, which makes it one structure exceeding three stories. Vice-Chair Thomas felt the argument was whether or not this was one house.

Mr. DeGray stated that the deck and patio are required to meet setback requirements, which treats them like a structure. Having a deck or patio connect from an accessory structure to a main structure does not technically connect buildings. Vice-Chair Thomas understood the point Mr. DeGray was making, however, he wanted to see that defined in the drawings to prove his point. Planner Evans remarked that it would definitely be an issued if the foundation was connected. Mr. DeGray noted that the deck touches the elevator shaft, but it is an open air connection.

### **Lot 17, 18 and 19 Echo Spur Development – Plat Amendment**

**(Application PL-12-01629)**

Planner Francisco Astorga noted that on September 12, 2012 the Planning Commission requested a site visit and work session for the Echo Spur Development Replat. The applicant also submitted additional information that was requested, including preliminary plans of the site. Planner Astorga noted that the plans were more specific than preliminary and the Staff was still working on reviewing the plans.

Planner Astorga reviewed the application for a plat amendment on platted McHenry. As previously noted, the City Engineer would eventually change the name of the road once it is fully dedicated to the City.

Planner Astorga reported that the applicant had submitted an application for a plat amendment to combine lots 17, 18 and 19. He presented slides to orient the Planning Commission to what they had seen during the site visit. He also presented the County Plat showing the ownership of the property. On September 12, 2012 the Planning Commission discussed vantage points per the Land Management Code. Planner Astorga noted that the LMC does not have a defined vantage point from where the development would be visible. However, the LMC identifies cross-canyon view as a vantage point. The applicant had submitted a total of six vantage points; three on Deer Valley Drive by the access to Main, one by the entrance at the Summit Watch, one at the roundabout, and another closer to the property. Planner Astorga reviewed slides from the stated vantage points.

Commissioner Savage concluded from the photographs that the development was basically invisible. Commissioner Gross concurred. Commissioner Hontz stated that she personally stood at each of the vantage points and concluded that the development would be visible, particularly the retaining wall. Commissioner Strachan remarked that the brown house behind the retaining wall was also visible. He pointed out that photographs are not entirely reflective of what the human eye would actually see.

Scott Jaffa, the project architect stated that the intent was never to make the house invisible. The existing scrub oak is 12 feet high and the house would sit approximately 12 feet above. It is surrounded by houses at the bottom on Ontario, as well as houses above it. The house is nestled in its surrounding environment.

Planner Astorga reviewed the elevations. He noted that the site is zoned HR-1 which has a 27' foot height limitation and a required 10 feet setback on the downhill façade. Planner Astorga stated that at the last meeting the Planning Commission discussed the 2007 settlement agreement. He had verified with Jack Fenton that the disputes with the settlement agreement had been resolved and both parties were satisfied with the outcome. Planner Astorga had done a more specific analysis of the Ontario neighborhood as shown on page 9 of the Staff report. The analysis concluded that the average width is approximately 36 feet and the average lot area is approximately 2800 square feet for those lots.

Planner Astorga referred to an Exhibit showing the outskirts of the Park City survey. He commented on the Gateway Estates subdivision. Because of the orientation of the houses and access off of Deer Valley Loop Road, it provided a better way to transition Old Town to what is called the Deer Valley entry area. In terms of house size the two houses that were originally platted for Gateway

Estates were planned to be much larger than the Old Town historic character.

Planner Astorga requested that the Planning Commission discuss whether this Echo Spur neighborhood provides an appropriate area for transitioning between the larger lots of record versus the Ontario neighborhood, which tends to follow a different pattern than the standard 25' x 75' configuration. Since September the Staff has held several meetings with the owner to review the current definition of gross residential floor area and how that applies. The Staff recommendation was to limit the gross residential floor area to 3600 square feet. The Staff reviewed the preliminary plans submitted and found that the proposal would comply with the Staff recommendation of limiting the gross residential floor area.

Commissioner Wintzer remarked that the three lots are contiguous to a neighborhood of historic platted lots of 25' x 75'. That is the neighborhood they need to look at rather than the homes above or below. Planner Astorga pointed out that after the General Plan update is completed the next task is to do an analysis of the zoning districts to see how that can be improved.

Vice-Chair Thomas stated that he was on the Planning Commission when the Deer Valley Loop Road lots were approved, and there was a dramatic effort to minimize the massing and to make the units fit into the hillside. He pointed out that the grading on those three lots was dramatically different than the grading on the three Echo Spur lots. Vice-Chair Thomas believed that would have to be highly considered in this process. Planner Astorga noted that only one house was actually built and the other two houses lost their approval because they did not move forward on the building permit.

Planner Astorga recalled that another discussion point in September was what would happen in the neighborhood. Since the September meeting the Staff met with Mike Green, the owner of Lot 20. Mr. Green plans to build a single family dwelling and is currently working on an application. The other twelve lots are owned by Sean Kelleher, who submitted a complete application yesterday. The Planning Commission would review Mr. Kelleher's application during a work session in January. He proposes to build seven single family units through a condominium plat on his 12 lots of record. Vice-Chair Thomas stated that he would be recusing himself from the Kelleher discussion and he was uncomfortable talking about that proposal this evening.

Planner Astorga stated that ridgeline development was another issue carried over from the September meeting. He noted that Lot combinations in the HR-1 zone require an overall setback of 18 feet, with a minimum of 5 feet. The Staff request that the setback on the northern side be increased to 15 feet to aid with drainage issues and slope mitigation issues. Planner Astorga asked for input from the Planning Commission regarding the Staff analysis.

Planner Hontz referred to the minutes from the September 12, 2012 meeting on page 15 of the Staff report, fifth paragraph, and revisited a number of issues that were still pertinent. The first was that the road is still not dedicated to the City. In speaking with Matt Cassel during the site visit she understood that some conditions have not been fulfilled and issues still remain. Commissioner Hontz was not comfortable with the safety of the road related to the gate, the vegetation that needs to be replaced and enhanced, the retaining wall and other issues. She thought there could be possible pressure from the applicant to whoever was responsible for fulfilling the conditions if it was a requirement to move forward with this application. Since the City Engineer had decided to place

the road under the City's road system, they should do nothing until they know for sure that the road is acceptable to the City. A second point is that Third Street, which is located to the north of Lot 17, is currently a platted dedicated right-of-way. Because it was a right-of-way, someone decided to dig it up and put in a road. If this application moves forward, Commissioner Hontz wanted to make sure that no access would ever be provided to any lots in any area off of that existing right-of-way. A third point was that lots 17, 18 and 19 had to be combined in order to have access. In looking at the plat, lot 19 is the only lot that has access off of Echo Spur. Commissioner Hontz thought it was unrealistic to say that Lots 17 and 18 would be developed off of the current configuration of Echo Spur Drive. Standing at the gate and looking over a 40 foot drop, the amount of retaining required to get to the lots makes them unbuildable. Commissioner Hontz remarked that in reality this was one lot.

Commissioner Hontz referred to page 15 of the Staff report regarding the settlement area. She appreciated that the Staff took the extra step to confirm that an agreement was reached. However, she would like to see how the land was deeded. According to the publicly available agreement, the land would change hands and there would be different lot configurations for the lots adjacent to this property further north that could possibly have an effect.

Commissioner Hontz referred to Item 5 on page 15 and reiterated that the property and the road are part of a ridgeline. They cannot change the definition of a ridgeline because of what has happened around it. She thought they may be able to say that due to setbacks, the structure is placed far enough off of the ridgeline, but regardless, the property is part of the ridgeline and the setbacks should be closely scrutinized. Commissioner Hontz commented on LMC 15-7.3-1(D) and noted that this is a very sensitive area and there are impacts related to the ridgeline.

Commissioner Hontz referred to Items 6 and 7, additional limitations on maximum square footage and visibility from the roundabout. She felt it was a unique strategy to separate these lots from what was previously reviewed as a subdivision, because they now have to look at it as a new application. If this application moves forward, the applicant would have to maximize the number of lots on this particular substandard road, which can only be reached by other substandard Old Town streets. Based on traffic impact models, Commissioner Hontz understood that one house would generate approximately 12 vehicle trips per day. Assuming build-out on the nine lots, the per day vehicle trips would exceed 108 per day on this substandard street. She thought it was ludicrous to create that much additional traffic into that neighborhood on substandard streets. Commissioner Hontz pointed out that it was not just one home. They need to consider the compound impacts of all the lots.

Commissioner Gross asked about the cars backing out of the driveway and how they would get up the street. In his opinion it looked very tight and he was unsure how a car would get out. He requested a diagram showing how it would work. Commissioner Gross had spoken with City Engineer Matt Cassel about the fire safety issues and there is a turnaround below for fire trucks. He assumed that once the street is accepted by the City it would provide the proper access for people to build.

Planner Astorga asked if the Planning Commission would feel comfortable approving the propose development once the road is accepted by Matt Cassel, particularly regarding the road compliance issue raised by Commissioner Hontz. Planner Astorga noted that LMC 15-7.3 indicates that these

types of development must be approved by the Planning Commission and that upon recommendation of a qualified engineer these items can be mitigated. The burden is on the applicant to hire a qualified engineer to determine whether the issues are mitigated. Planner Astorga clarified that the LMC implies that the applicant is allowed to find appropriate mitigation for these types of unforeseen development conditions on the land.

Commissioner Wintzer pointed out that the applicant has that ability with everything except the ridgeline. He read language in the same Chapter of the LMC that states, "For other features including ridgelines." Commissioner Hontz remarked that per the LMC the impact mitigation is formulated by the developer and approved by the Planning Commission. The applicant can propose a solution but the Planning Commission has the purview to determine whether the solution is suitable to mitigate the problem. Planner Astorga agreed. However, his interpretation of the LMC language is that the burden of mitigation is on the applicant, which also includes the ridgeline. He wanted to make sure the Planning Commission shared his interpretation. Commissioner Wintzer agreed with the interpretation with regards to geological hazards. His reading of the LMC language did not include the ridgeline. Commissioner Wintzer recalled that this same paragraph was read to the previous owner five years ago and at that time the Planning Commission had the same concerns that combining these three lots would encourage development to move down the hill further on the ridgeline. They faced the same issue with this application and he could see no way around it.

Planner Astorga remarked that the Staff interpretation was that ridgeline impacts could be mitigated if adequate methods are formulated. Due to the discrepancy in interpretation, he believed further discussion was necessary. He asked if the Staff was interpreting the Code incorrectly. The Commissioners answered yes.

Commissioner Strachan questioned whether the applicant could even find adequate methods. In addition, language in LMC 15-17.3-2(D) prohibits ridgeline development. There was no qualifier in the language to indicate that it would be allowed with adequate mitigation methods. Commissioner Strachan felt the LMC was clear that ridgeline development would not be allowed in any circumstance. In his opinion, this was still a ridgeline, even though the previous owner tried to eliminate that fact by digging a road through the property.

Planner Astorga understood that the Planning Commission would be prepared to make findings that this is a ridgeline and construction is prohibited on a ridgeline. Commissioner Savage stated that the Planning Commission was looking at a set of platted lots that also included other lots along that same ridgeline, and there were property rights associated with those particular lots. He understood the ridgeline issue; however, the fact that the lots were platted and exist as platted lots entitles the owners of those lots to some level of development rights independent of the ridgeline.

Assistant City Attorney McLean agreed that City cannot take away all rights to the use of a property; however, there are restrictions in the Code that prohibit structures on ridgelines. Therefore, those two issues need to be balanced. Commissioner Savage asked if the contextual precedence in that particular area has any influence on how the Planning Commission should view ridgeline development. In looking at the topography, it is clear that a ridgeline runs along the road and through the middle of the lots. He pointed out that existing homes above those lots on the ridgeline have already compromised the ridgeline in that area. He asked if that should have any impact on how these applications are reviewed. Commissioner Savage asked if the applicant would have the

ability to say that within the constraints of this particular development site, as well as the existing homes, this is the ridgeline visual impact with the proposed home versus not building at all. Ms. McLean replied that the Planning Commission could have that discussion. Commissioner Savage wanted the applicant to pursue that direction unless it would be a waste of time because it is a ridgeline and development would be denied.

Mr. Jaffa pointed out that this was a new subdivision that was still in the process of dedicating the road to the City. He questioned why the subdivision would have been approved with platted lots if the lots could not be built on. Commissioner Wintzer noted that the previous subdivision application never came before the Planning Commission and it was never approved. Planner Astorga explained that it was a historic part of the Park City survey that was historically platted a hundred years ago.

Commissioner Strachan asked Assistant City Attorney McLean for her interpretation of LMC 15-7.3-1(D) as opposed to 15-7.3-2(D). Ms. McLean stated that when there are competing ordinances in the Code, they look at the plain meaning of the language. She noted that when language is added to address restrictions due to the character of the land, they try to have the statutes comport. Ms. McLean thought that should be balanced with making sure property rights are not being taken away from an existing lot. She believed that sub (D) in 15-7.3-1 also goes to health and safety issues; whereas, in 15-7.3-2(D), ridgeline development, the issue is more aesthetic.

Commissioner Strachan recalled that when the LMC provisions conflict the policy is to follow the one that is most specific. He considered the language in 15-7.3-1 to be more general than the language in 15-7.3-2.

Commissioner Savage asked to look at the topo map. Commissioner Wintzer pointed out the top of the ridge on the map to identify the exact ridgeline. Assistant City Attorney McLean read the definition of ridgeline area in the LMC. "The top ridge or crest of hill or slope, plus the land located within a 150 feet on both sides of the top crest or ridge." Commissioner Hontz pointed out that Lot 19 was different than in the previous proposal. Commissioner Wintzer personally believed it was a ridgeline and combining the lots would allow the applicant to move further down the ridgeline. He has walked the property and drawn the ridgeline on the topo. Commissioner Wintzer could see no way of getting around that fact. It is an important issue and the General Plan and the LMC address ridgelines in several places. Commissioner Hontz did not believe the Planning Commission should compromise on ridgeline development.

Vice-Chair Thomas remarked that the reason for being sensitive to ridgelines is based on the observation from the community of what appears to be a ridgeline and the problems created when the ridgeline is broken. The type of ridge is irrelevant. this is a ridgeline with regard to a large percentage of the community. Commissioner Savage did not disagree that this was a ridgeline. He was only pointing out that there are many ridgelines in that area and some of those ridgelines had been compromised.

Assistant City Attorney McLean read the language from LMC 15-7.3-2(D) - General Subdivision Requirements for Ridgeline Development. "Ridges shall be protected from development in which development would be visible on the skyline from the designated vantage points in Park City." The specific vantage points are the Osguthorpe Barn, Treasure Mountain Middle School, the intersection

of Main Street and Heber Avenue, the Park City ski area base, Snow Park Lodge, the Park City golf course clubhouse, the Park Meadows Golf Course Clubhouse, State Road 248 at the turnout one-quarter mile west from US Highway 40, State Route 224 one-half mile south of the intersection of Kilby Road, the intersection of Thaynes Canyon Drive and State Road 224 and across valley views. Commissioner Hontz stated that the cross valley view could be from any point across the valley. Vice-Chair Thomas remarked that the intersection of Main Street and Heber Avenue would be a critical vantage point in this situation.

Commissioner Savage thought an important piece of the language was the reference regarding visibility on the skyline from the designated vantage points. Vice-Chair Thomas informed Mr. Jaffa that the Planning Commission would need to see visuals from the specific vantage points mentioned. Commissioner Strachan stated that the three related vantage points were Heber Avenue, the base of PCMR and the base of the Park City golf course. Commissioner Strachan suggested that the Planning Commission could personally visit those vantage points.

Mr. Jaffa asked for clarification on across valley. The Planning Commission discussed other potential vantage points where the development might be visible. Commissioner Savage believed the analysis could be done using the topography map without a site visit to the vantage points. Commissioner Wintzer stated that in his opinion it was very clear that development would hit the ridge and penetrate the skyline. Commissioner Savage remarked that every object would penetrate the skyline from some given point. Vice-Chair Thomas agreed, but noted that there were primary valleys in the community that needed to be protected.

Assistant City Attorney McLean stated that height restrictions or other limitations are often placed in subdivisions to address the issues on a problematic property. She noted that the applicant has submitted a subdivision application and provided a conceptual idea of what they would like build. She suggested that the Planning Commission could discuss placing restrictions on the site to make sure it complies with all the elements of the Code. Commissioner Strachan remarked that the Planning Commission was being asked whether or not there was good cause for a plat amendment. In his opinion, there would not be good cause if the site is on a ridgeline and no structure, regardless of the height, could be built. Ms. McLean agreed, if the Planning Commission finds to that extreme. However, if as an example, if they find that a one story structure would not violate the elements of the Code, they could place those restrictions. Commissioner Strachan was unsure whether the Planning Commission would be able to make that finding. Ms. McLean stated that if the Planning Commission could not find good cause they would need to define very specific findings related to the vantage points and visibility on the skyline.

Mr. Jaffa used the color coded map to point out that while this may be a ridgeline, it was definitely not the highest element in that neighborhood. He indicated three houses that are substantially higher than the proposed structure. Commissioner Wintzer reiterated that those houses were approved in that location as a trade-off to stop development from coming further down the ridge. This is a different process and if this application is approved they would be putting one house on the ridge.

Vice-Chair Thomas requested that the Staff delineate the ridge that separates Deer Valley Drive from Main Street. If that ridge goes through this property the argument would be resolved. He directed the applicant to work with the Staff and seriously consider the comments made this

evening.

Commissioner Savage clarified that he was not arguing whether or not it was a ridgeline. He was concerned that there was not a working definition on how to make that analysis. Commissioner Wintzer pointed out that the Planning Commission can only adhere to the Code. He agreed that the Code is sometimes vague, but the Planning Commission is tasked with interpreting the Code to make their decisions.

Commissioner Gross asked if the applicant could build on any part of Lots 17, 18 and 19. Commissioner Wintzer stated that Lot 19 is a platted lot on a ridge. The applicant could build a house on Lot 19 based on the current Code. The issue is that combining the lots would require a Steep Slope analysis. Planner Astorga remarked that all three lots would require a Steep Slope CUP.

The applicant, Leeto Thlou understood the comments expressed this evening. He asked if the other landowners in that area would have the same problem. Commissioner Savage replied that it would depend on the steepness of the individual lot and whether a Steep Slope CUP would be required. It was clear that Lots 17, 18 and 19 would require a Steep Slope CUP; therefore, the ridgeline issue needs to be resolved.

Commissioner Hontz clarified that the points she identified earlier in the discussion also apply to all the lots in that same area.

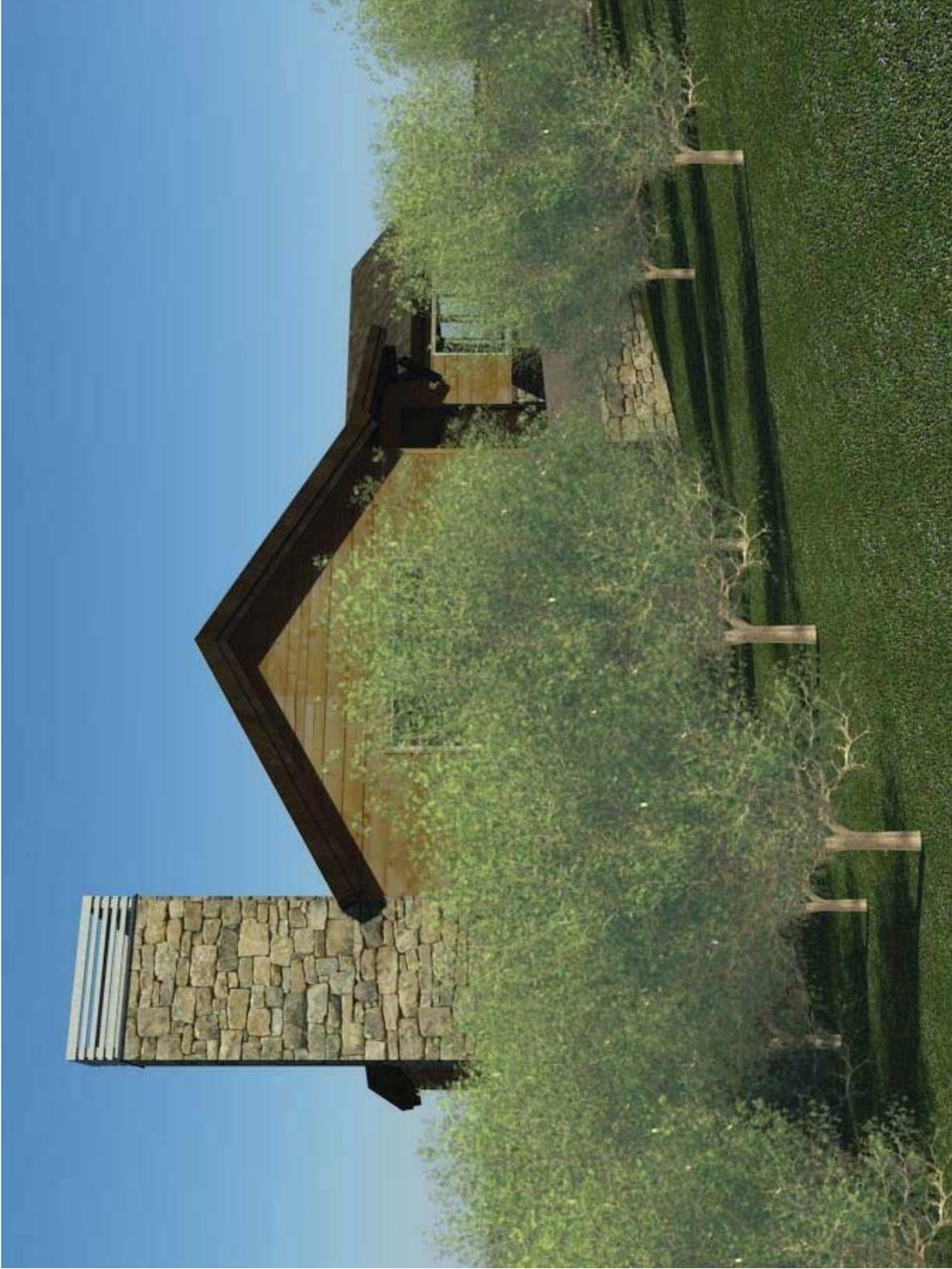
The Work Session was adjourned.



**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



# ENLARGED ARTISTIC RENDERING- LANDSCAPE REPRESENTED WITH 8'-12' TREES



**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



# ENLARGED ARTISTIC RENDERING- LANDSCAPE REPRESENTED WITH 8'-12' TREES



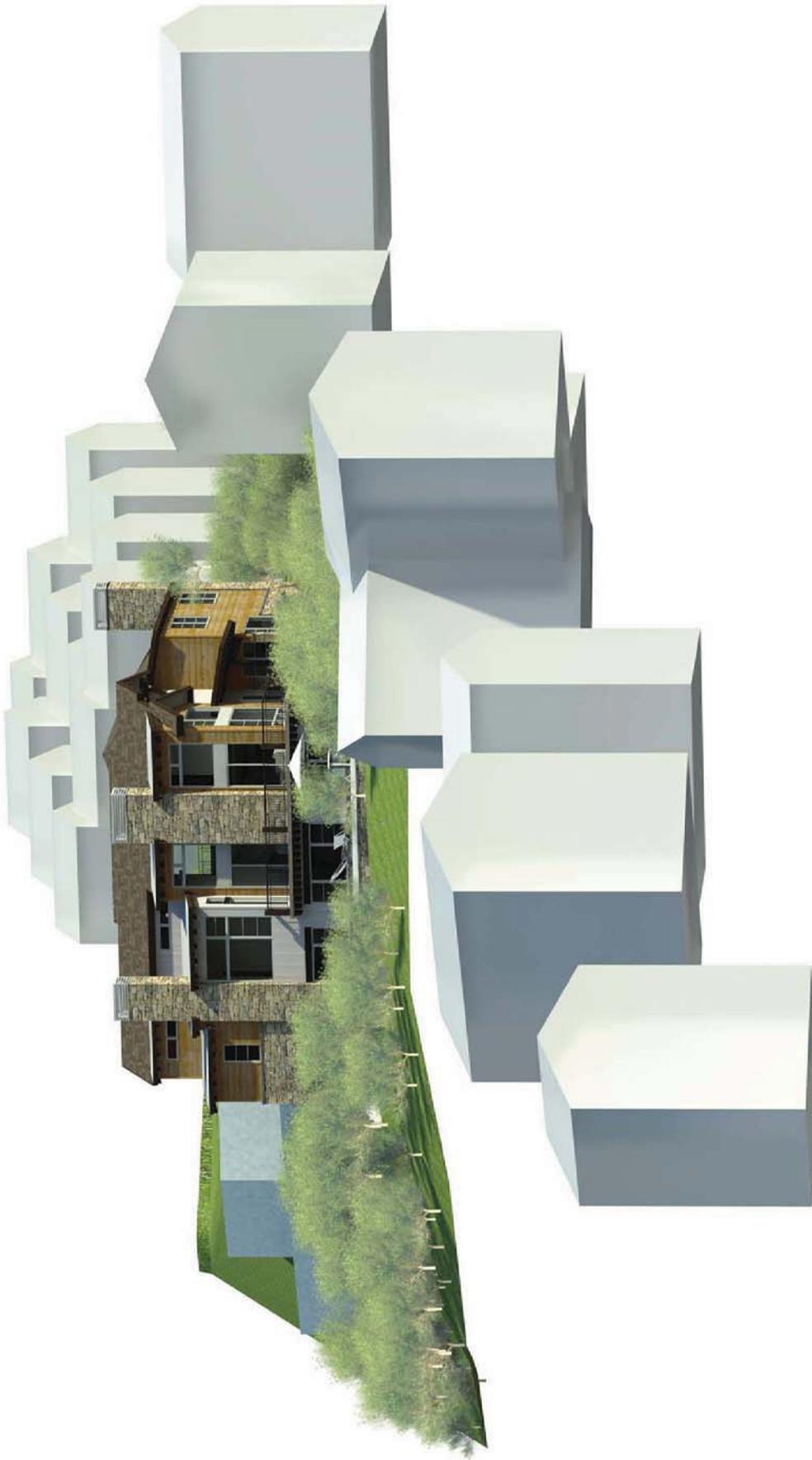
**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





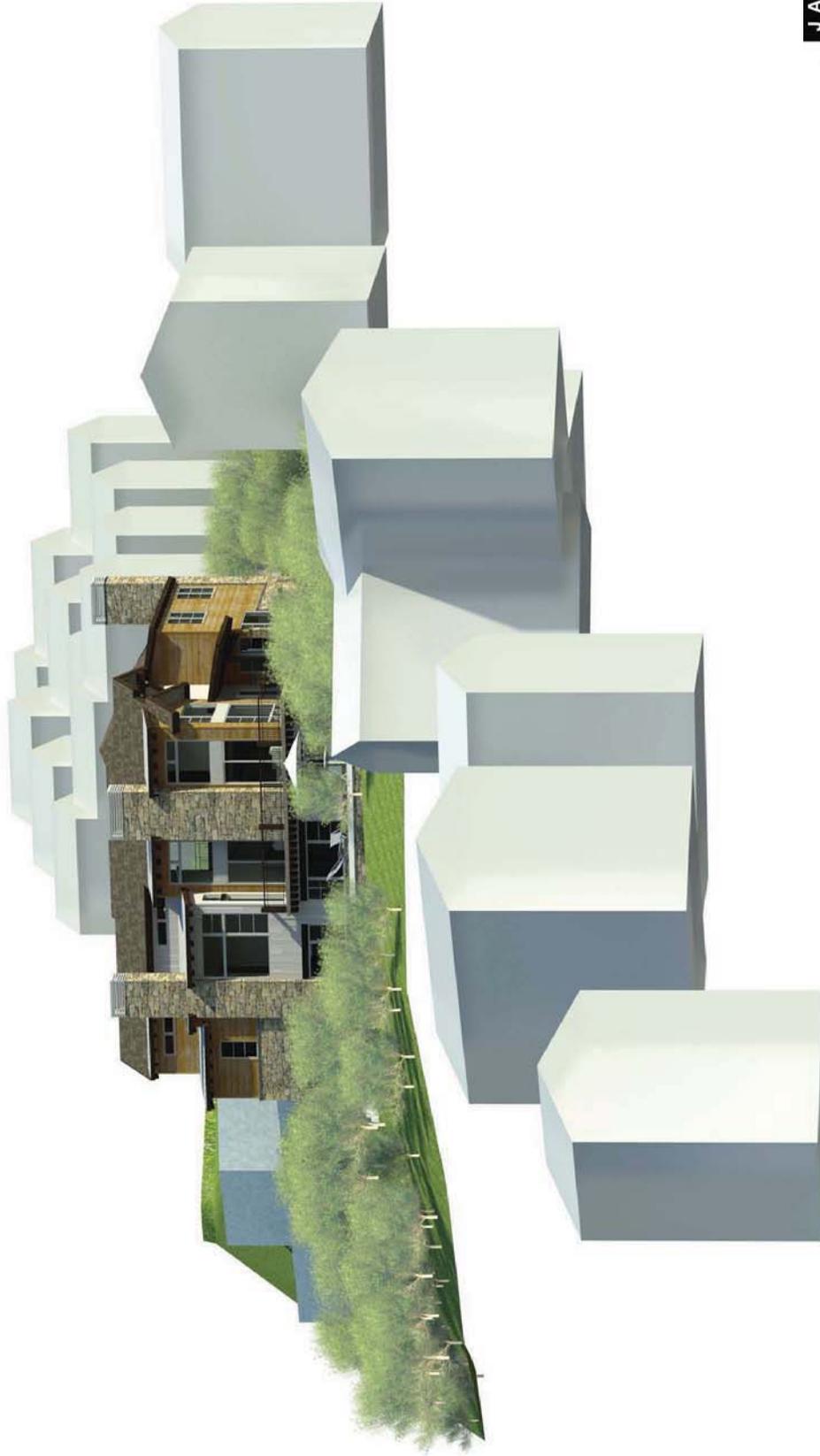
**ENLARGED ARTISTIC RENDERING-**

**PT 1: EYE ELEVATION 7000'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



**ENLARGED ARTISTIC RENDERING-**

**PT 1: EYE ELEVATION 7000'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12" TREES**



**ENLARGED ARTISTIC RENDERING-**

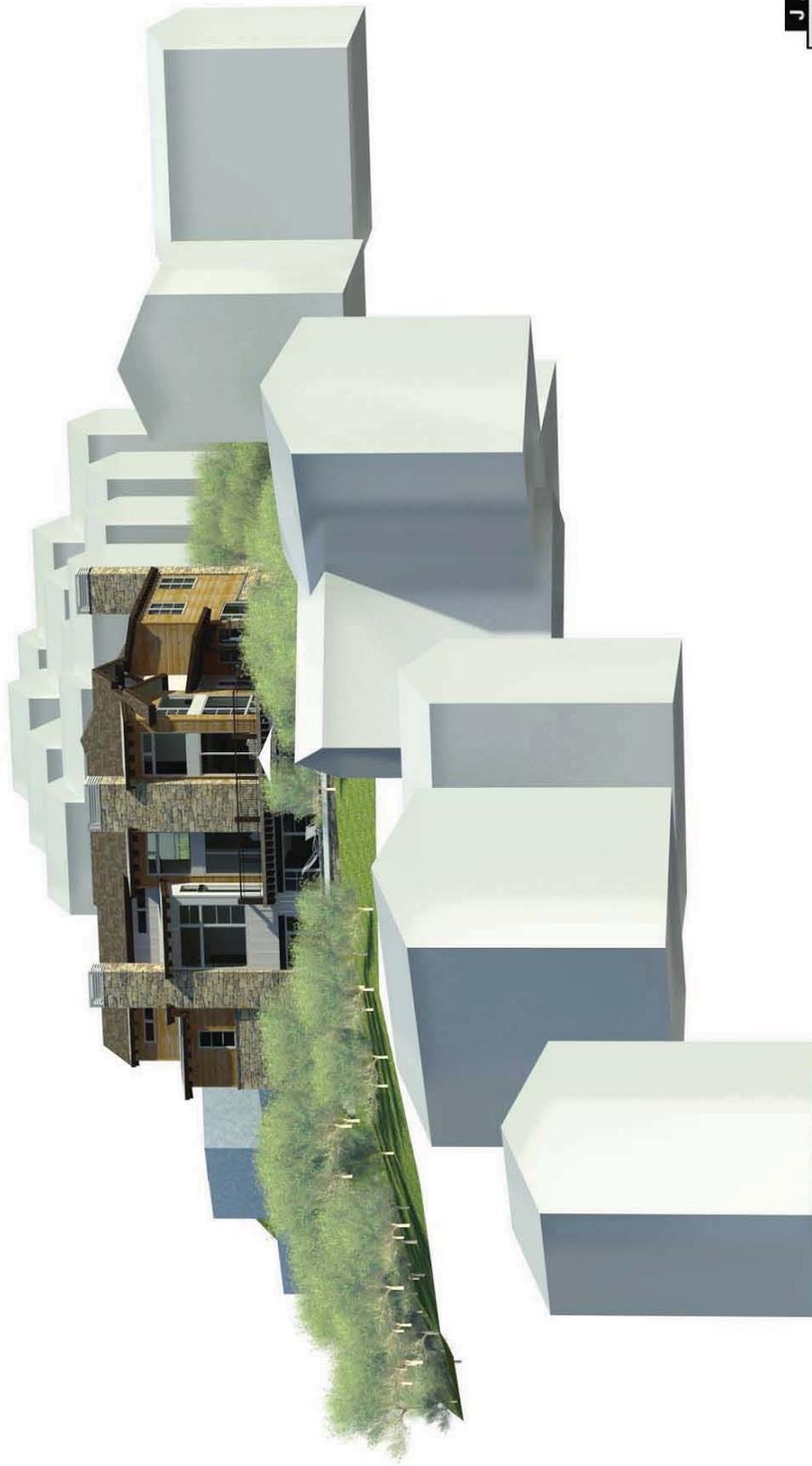
**FIG 2: EYE ELEVATION 7022'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12" TREES**





**ENLARGED ARTISTIC RENDERING-**

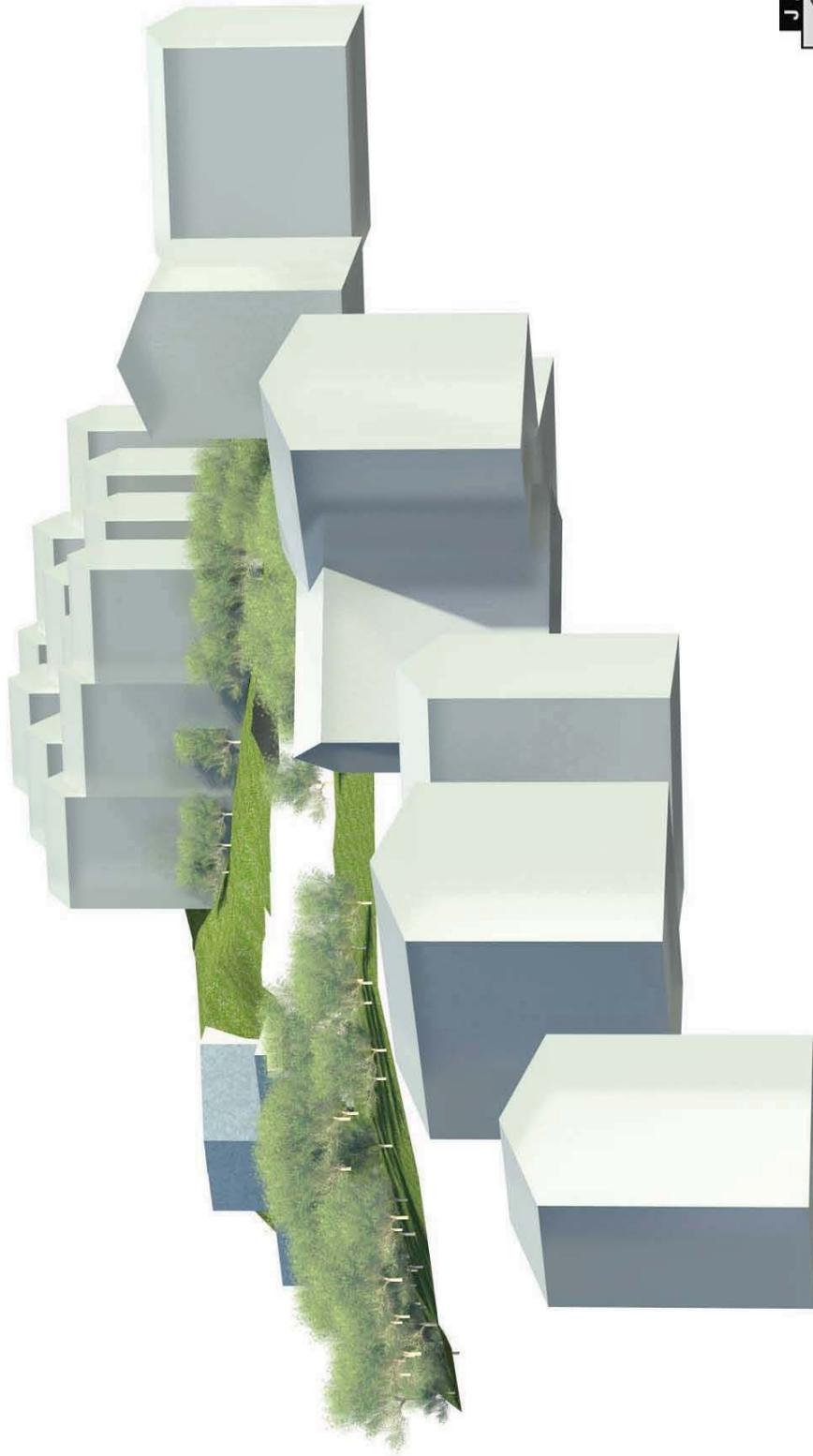
**FIG 2: EYE ELEVATION 7022'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12" TREES**



**ENLARGED ARTISTIC RENDERING-**

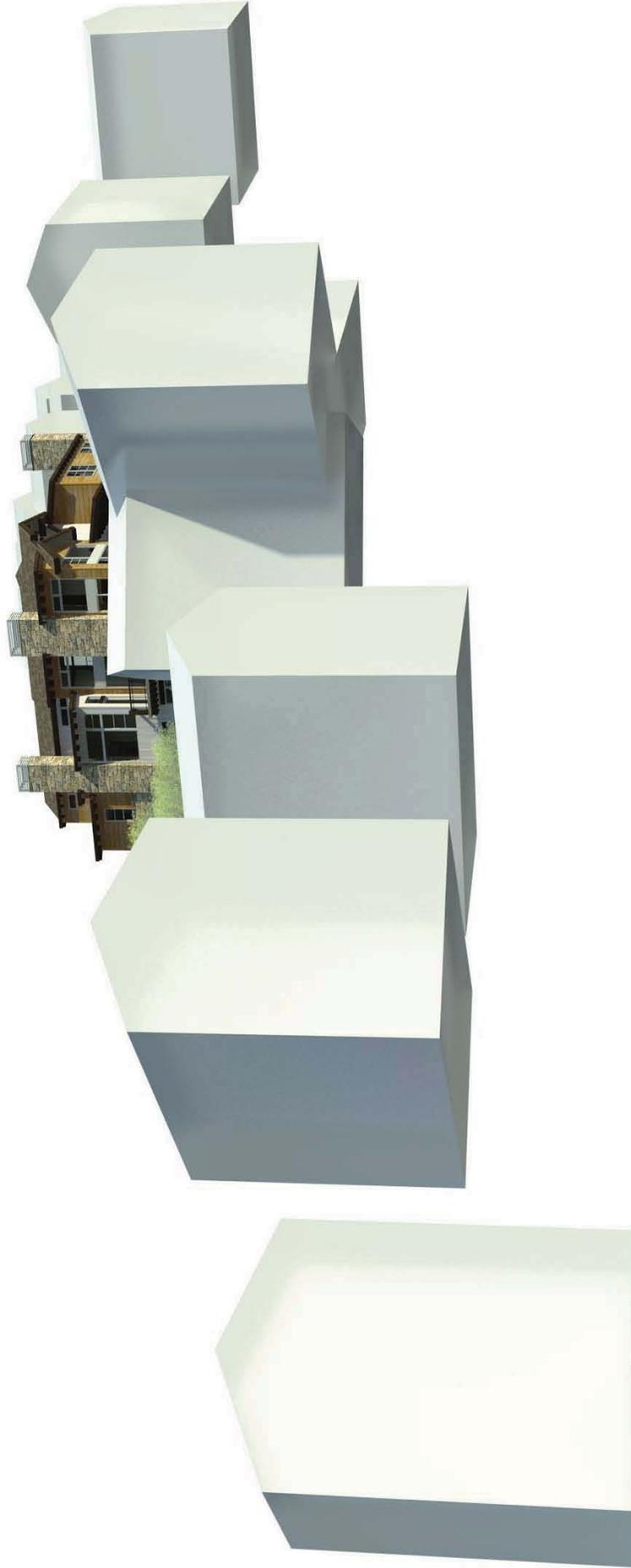
**PT 3: EYE ELEVATION 7045'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**FIG 3: EYE ELEVATION 7045'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



**ENLARGED ARTISTIC RENDERING-**

**PT 4: EYE ELEVATION 7066'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12" TREES**



**ENLARGED ARTISTIC RENDERING-**

**PL 4: EYE ELEVATION 7066'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



**ENLARGED ARTISTIC RENDERING-**

**PT 5; EYE ELEVATION 7082'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12" TREES**



**ENLARGED ARTISTIC RENDERING-**

**PT 5; EYE ELEVATION 7082'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



**ENLARGED ARTISTIC RENDERING-**

**Plot 6: EYE ELEVATION 7097'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**



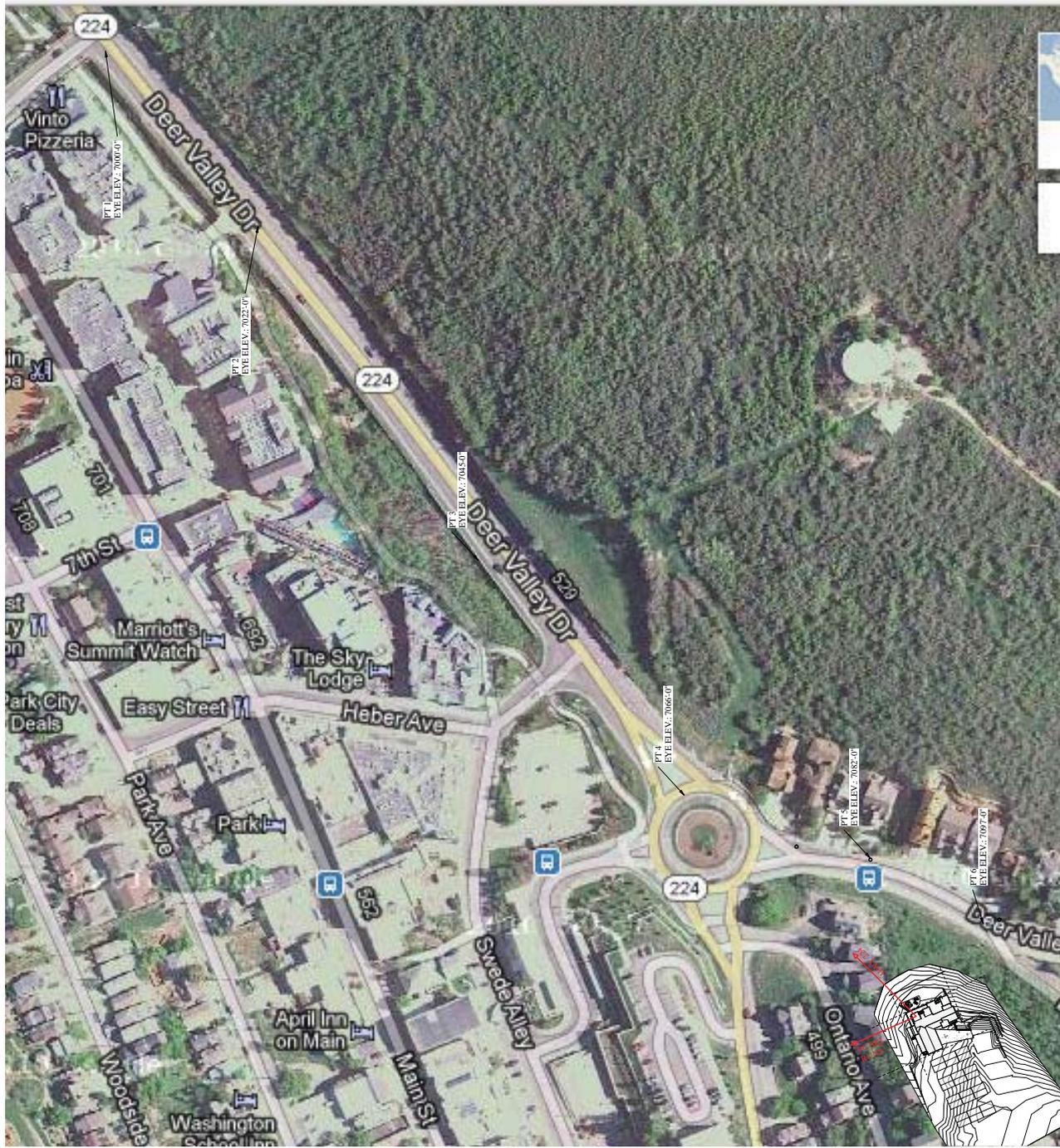
**ENLARGED ARTISTIC RENDERING-**

**FIG 6: EYE ELEVATION 7097'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**

**\*PLEASE SEE 11X17 DOCUMENTS FOR VANTAGE PT RENDERINGS\***



Page 165 of 181



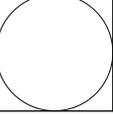
VANTAGE POINT LOCATIONS AND ELEVATIONS  
1"=60'0"

GARAGE VIEW FROM ECHO SPUR  
1"=1'0"



**JAFFA GROUP**  
 PROJECT NUMBER: 11X17  
 SITE NO: 10000  
 PLAN DATE: 05/15/13

THIS PLAN AND SPECIFICATIONS ARE THE PROPERTY OF JAFFA GROUP AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF JAFFA GROUP. THE USER OF THIS PLAN AND SPECIFICATIONS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



**ECHO SPUR**  
 489 MCHENRY AVE. PARK CITY, UT  
 DEVELOPMENT/ECHO SPUR  
 LOT 17-19  
 PLAT 17-19

REVISION SCHEDULE

DRAWN BY: Author  
 PROJECT: 11X17  
 2/20/2013 1:37:34 PM  
 SCALE: As Indicated

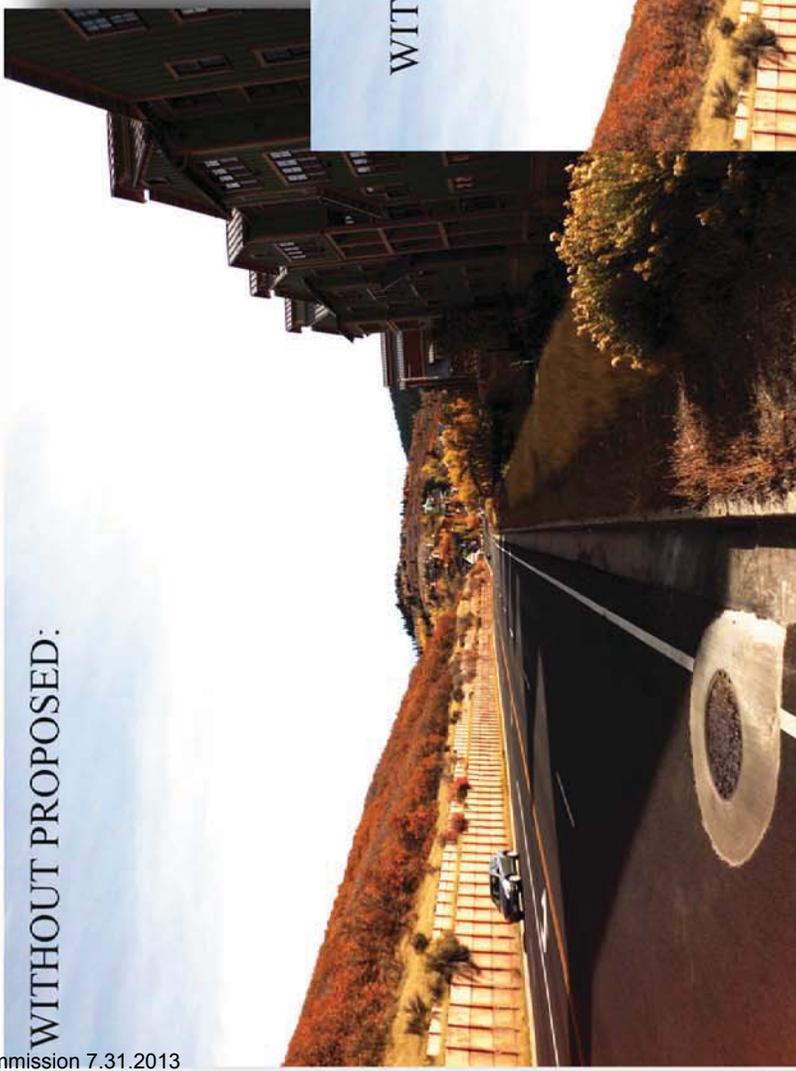
**DEER VALLEY DRIVE**

**A1.0a**

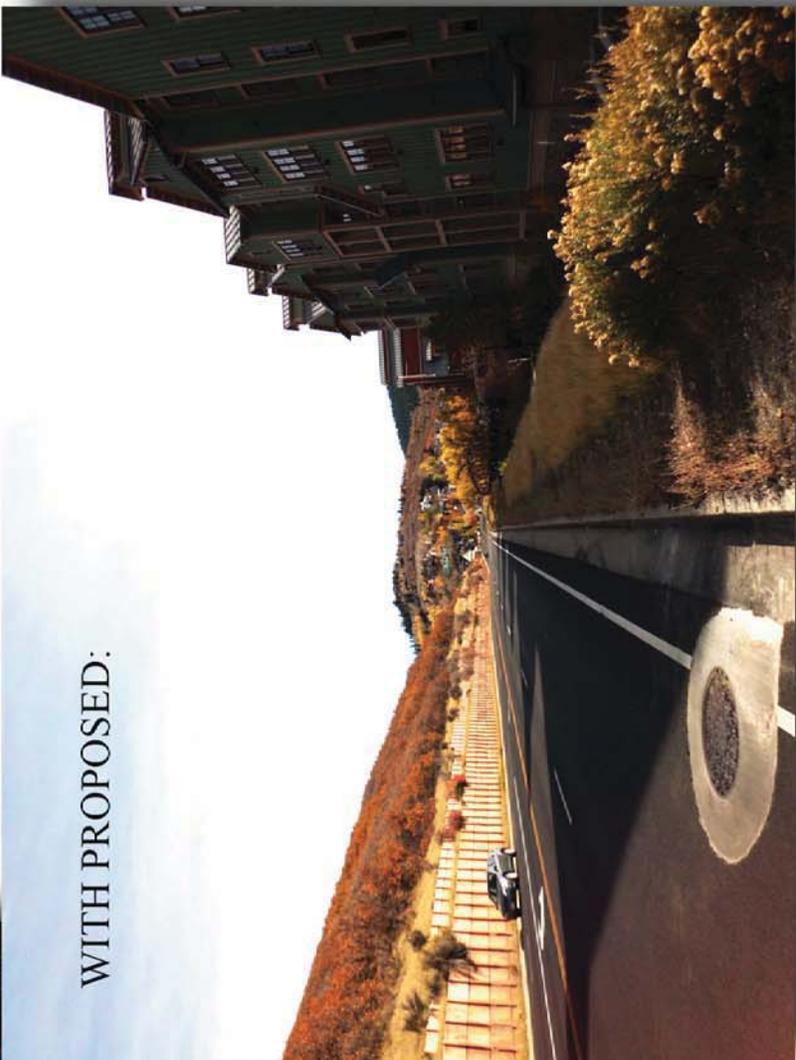
# PT 1: EYE ELEVATION 7000' -0"



WITHOUT PROPOSED:



WITH PROPOSED:



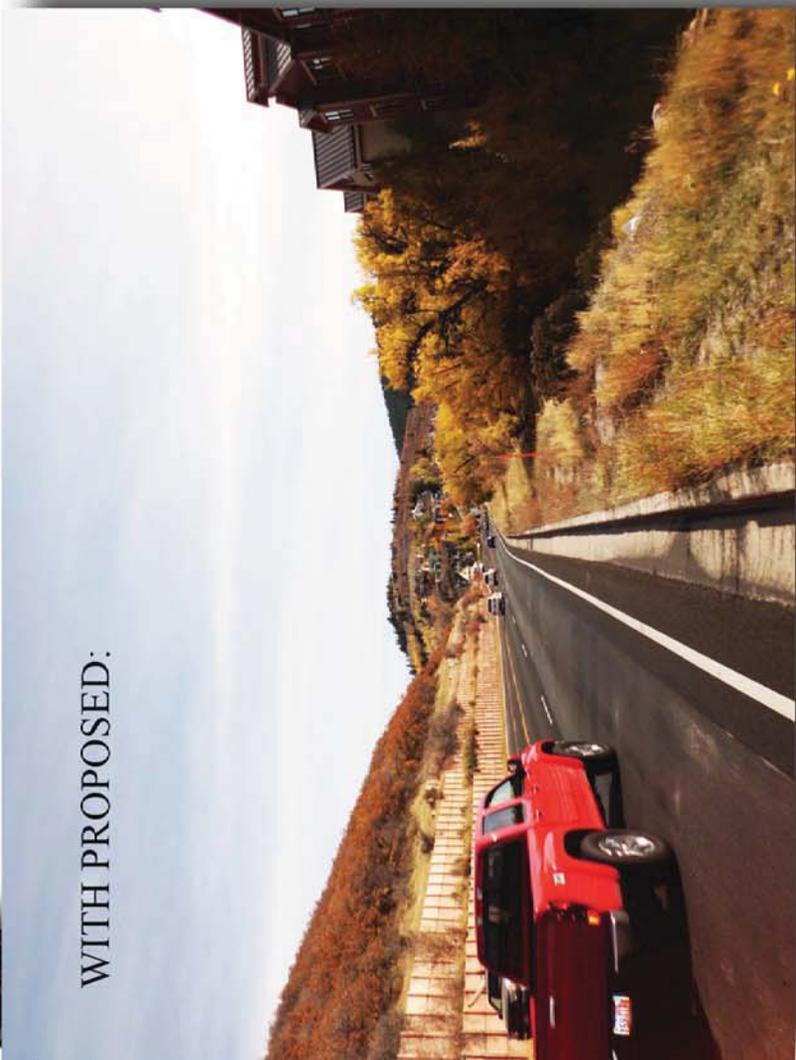
**PT 2: EYE ELEVATION 7022' -0"**



WITHOUT PROPOSED:



WITH PROPOSED:



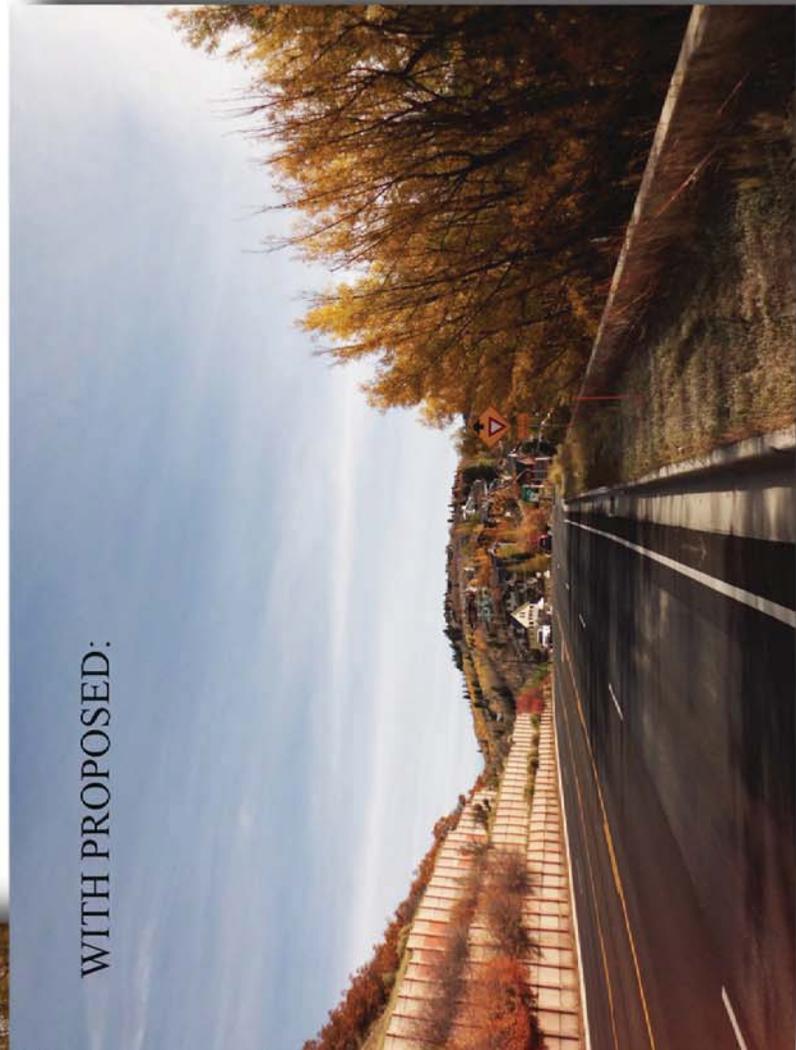
**PT 3: EYE ELEVATION 7045' -0"**



WITHOUT PROPOSED:



WITH PROPOSED:



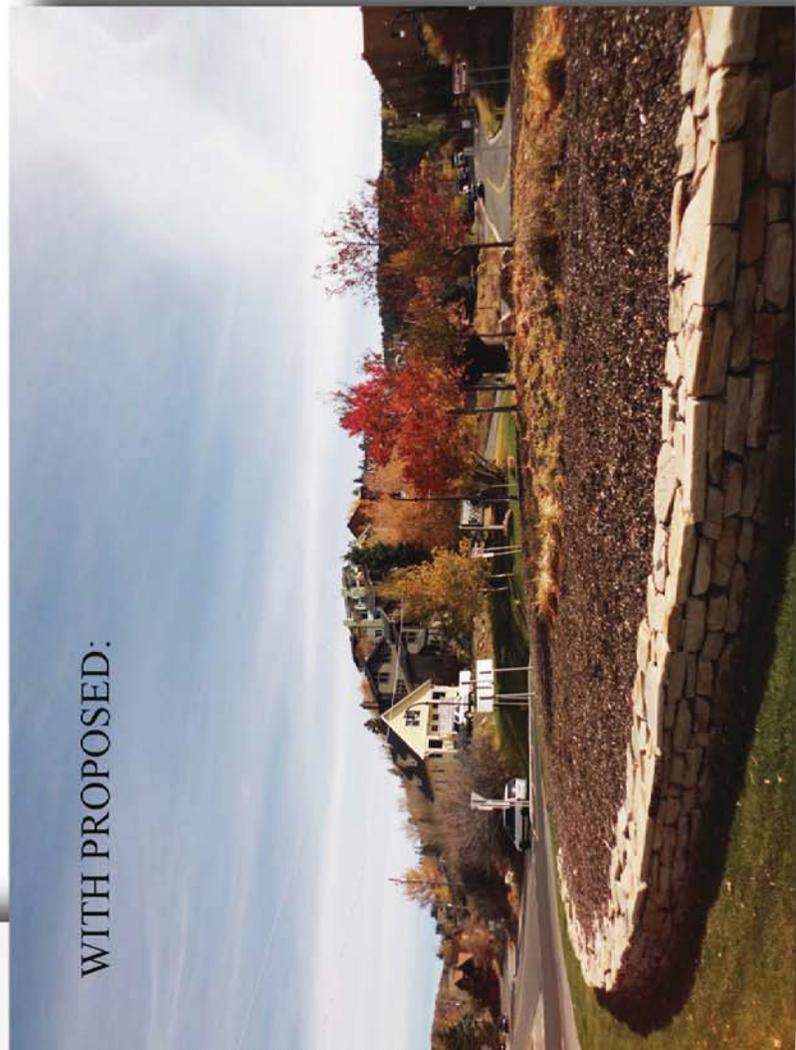
**PT 4: EYE ELEVATION 7066' -0"**



WITHOUT PROPOSED:



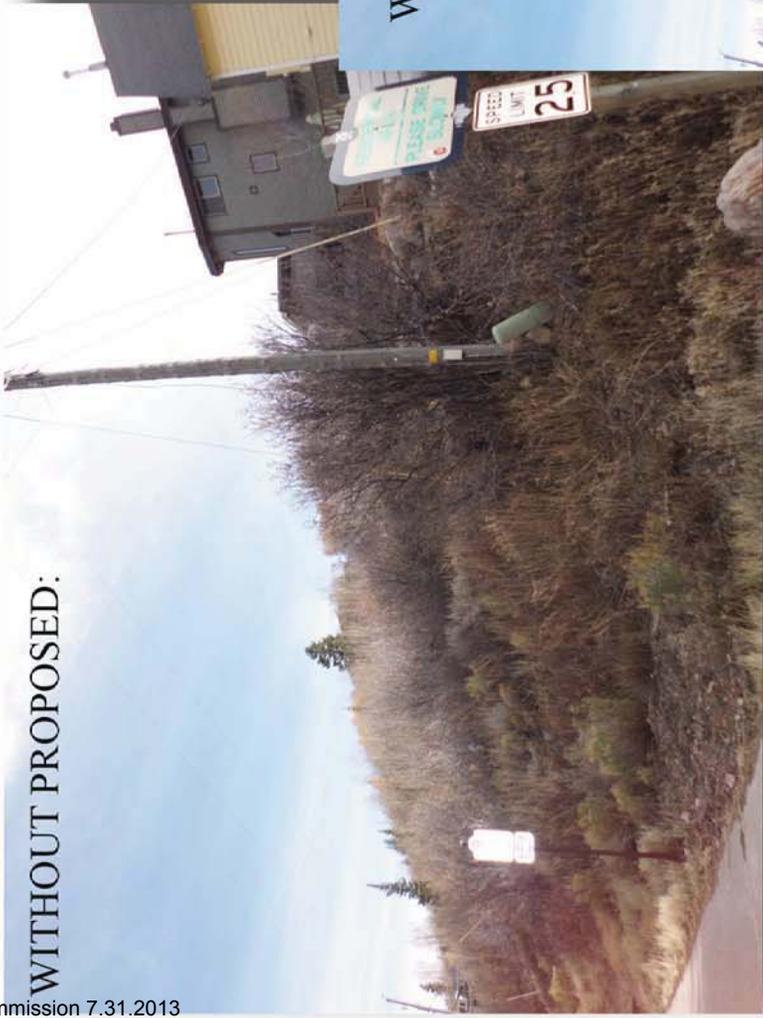
WITH PROPOSED:



**PT 5: EYE ELEVATION 7082' -0"**



WITHOUT PROPOSED:



WITH PROPOSED:



**PT 6: EYE ELEVATION 7097' -0"**



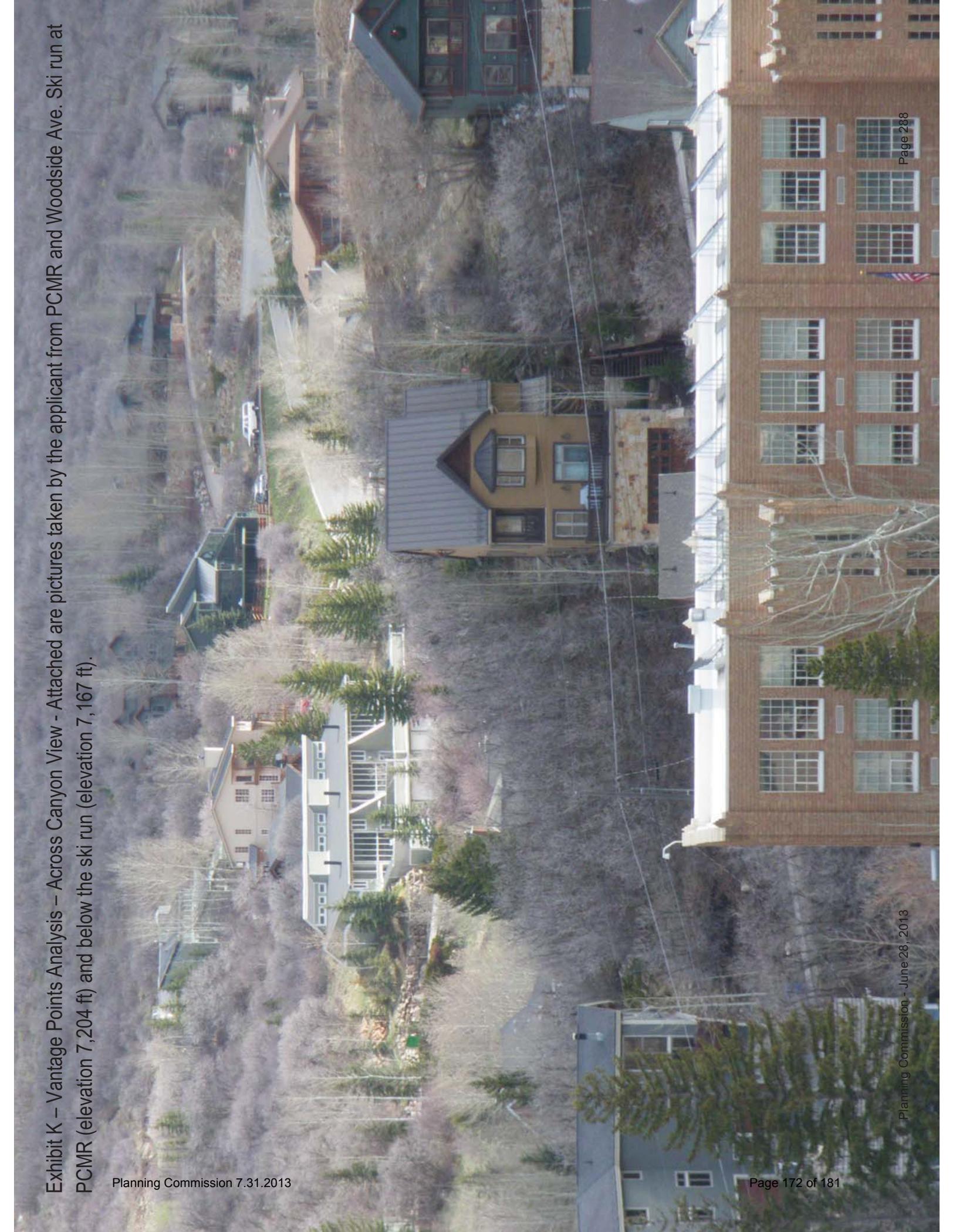
WITHOUT PROPOSED:

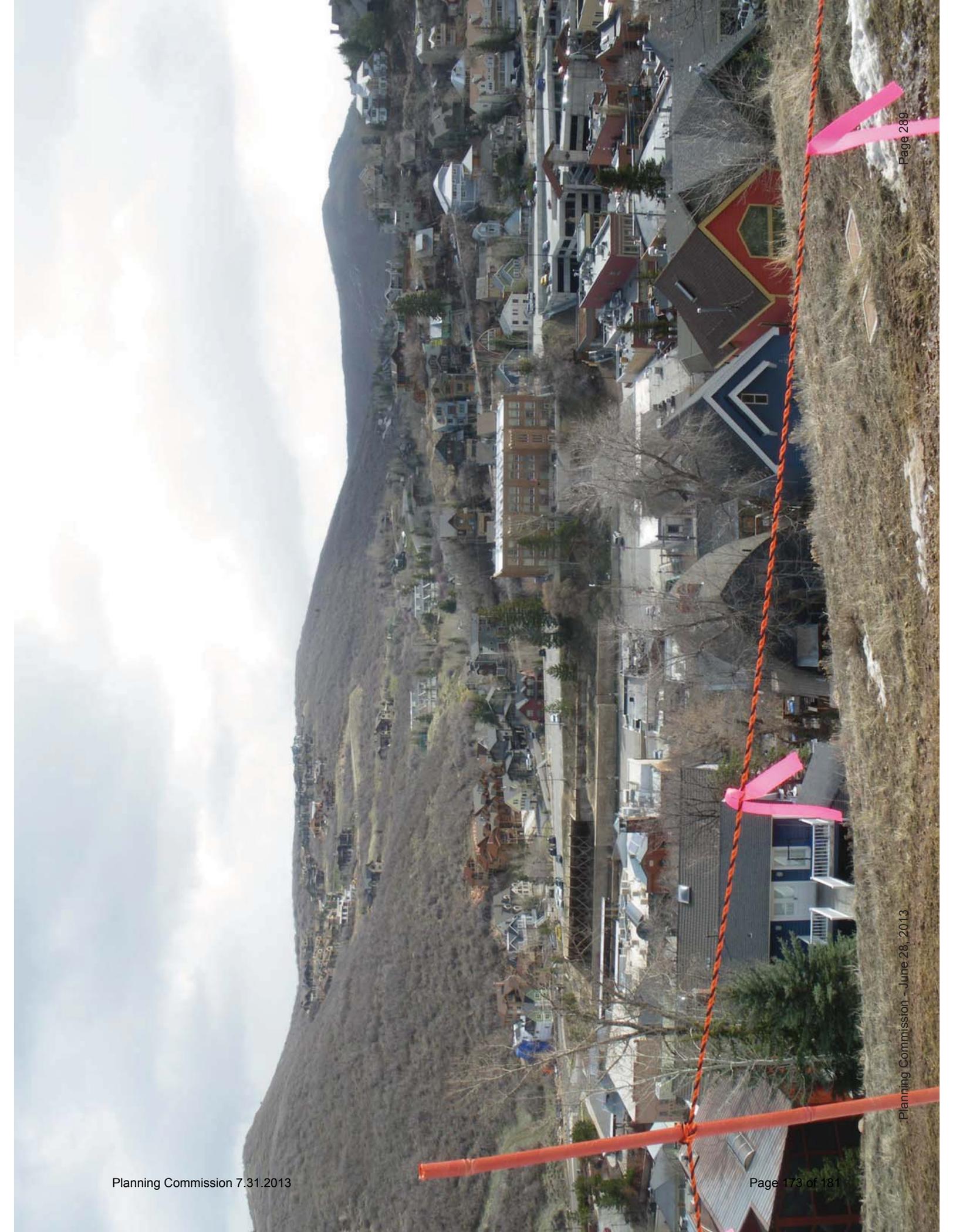


WITH PROPOSED:



Exhibit K – Vantage Points Analysis – Across Canyon View - Attached are pictures taken by the applicant from PCMR and Woodside Ave. Ski run at PCMR (elevation 7,204 ft) and below the ski run (elevation 7,167 ft).





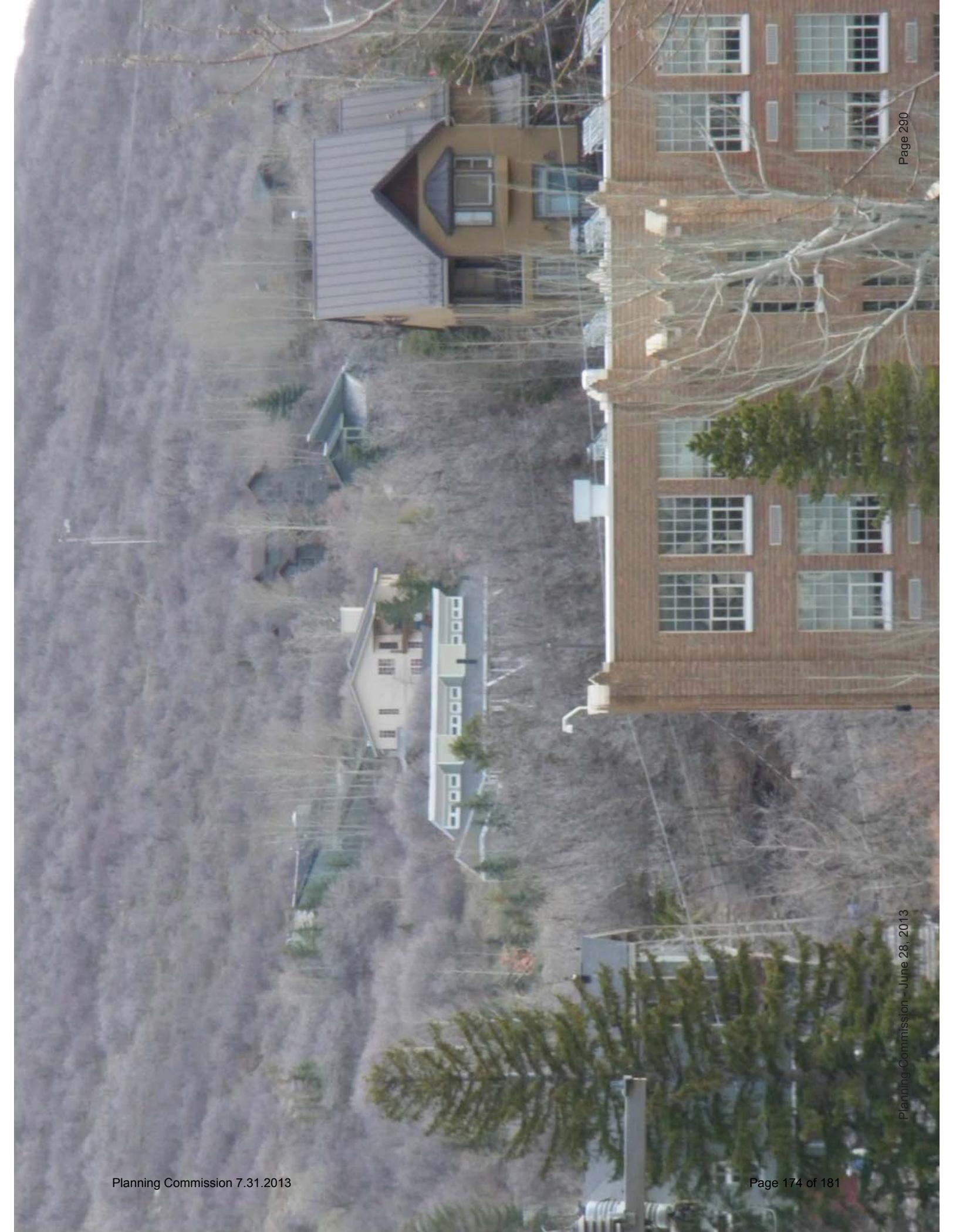
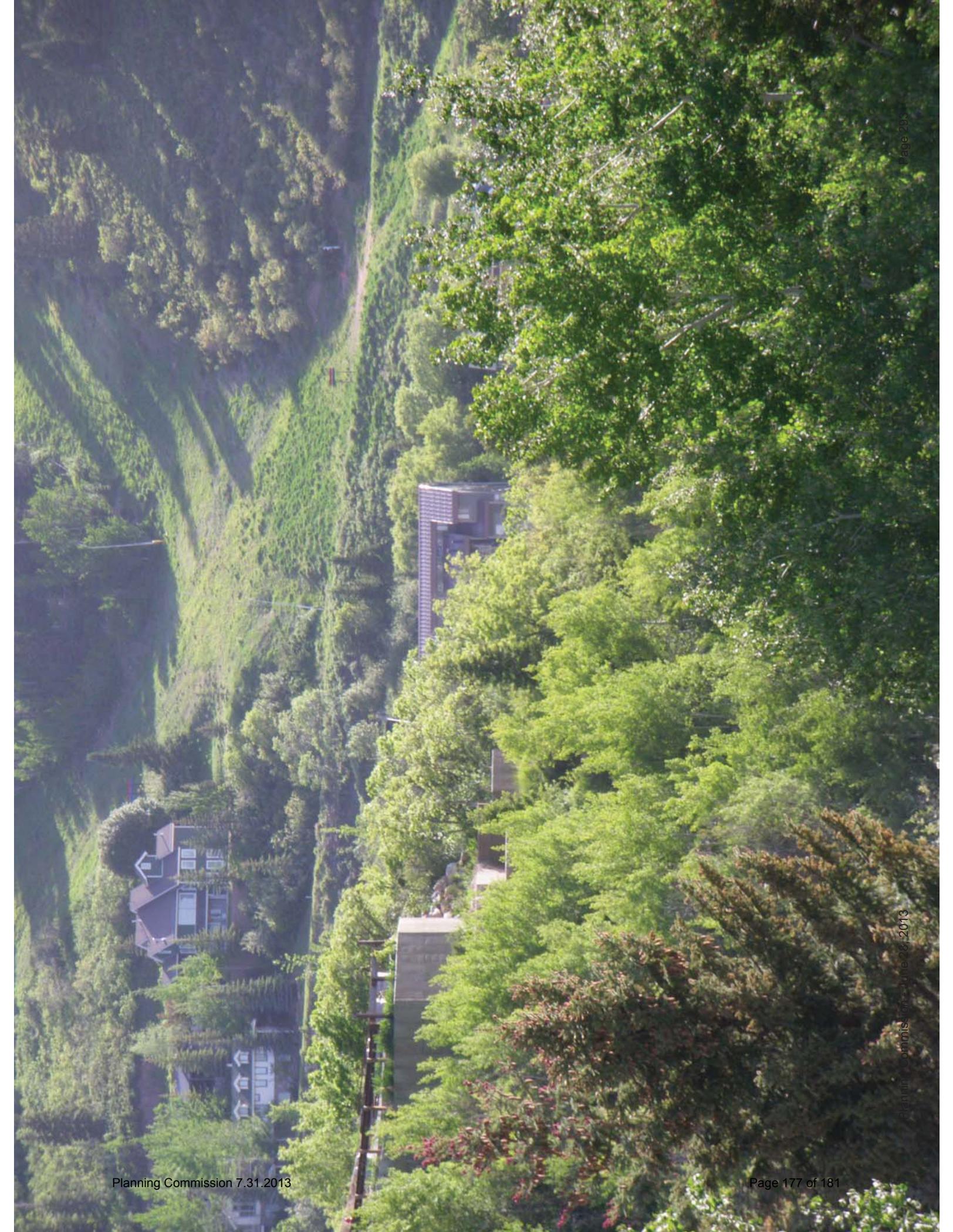


Exhibit K – Vantage Points Analysis – Across Canyon View - Attached are pictures taken by the applicant from between the two green condo buildings on Arie. The altitude was 7,150 ft. Close ups and a few with a wider view to capture the big house on the left in some of the pictures.







**JAFFA GROUP**  
 1000 SANDWICH DRIVE  
 SUITE 100  
 PORTLAND, ME 04108  
 603.675.5653

THE DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE DRAWING IS THE PROPERTY OF JAFFA GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JAFFA GROUP. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE DRAWING IS THE PROPERTY OF JAFFA GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JAFFA GROUP.

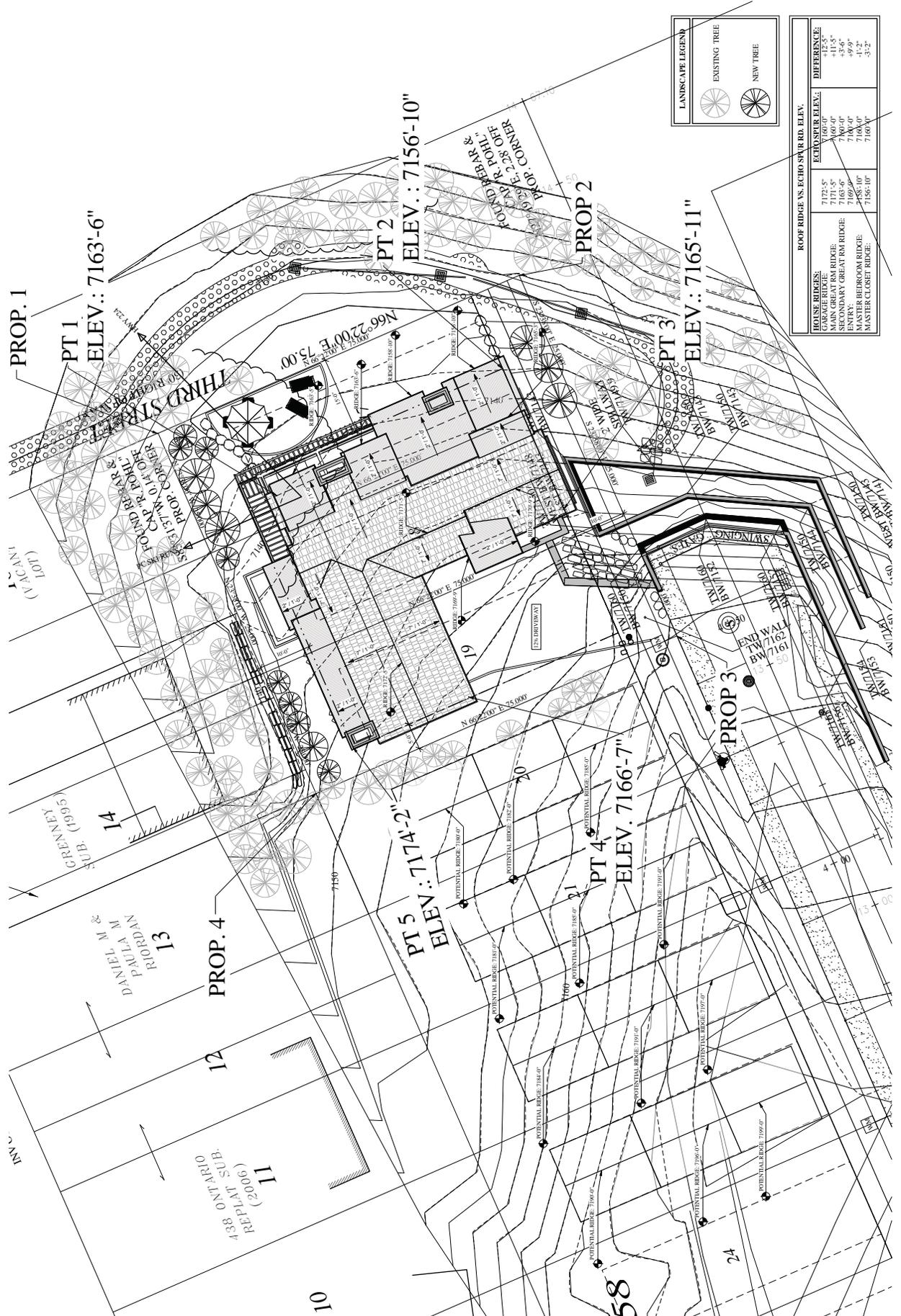
**ECHO SPUR**  
 489 MCHENRY AVE. PARK CITY, UT  
 DEVELOPMENT/ECHO SPUR  
 PL AT-17-19

REVISION SCHEDULE

NO.	DATE	DESCRIPTION
1	2/20/2013	137-33 PM
2	2/20/2013	137-33 PM

SCALE: 1/8" = 1'-0"

**A1.0**



**LANDSCAPE LEGEND**

	EXISTING TREE
	NEW TREE

**ROOF RIDGE VS. ECHO SPUR RD. ELEV.**

HOUSE RIDGES	ECHO SPUR ELEV.	DIFFERENCE
7173'-5"	7171'-5"	+11'-5"
7171'-5"	7169'-0"	+3'-6"
7163'-6"	7169'-0"	-5'-6"
7169'-0"	7169'-0"	0'-0"
7156'-11"	7169'-0"	-12'-11"
7156'-11"	7169'-0"	-12'-11"





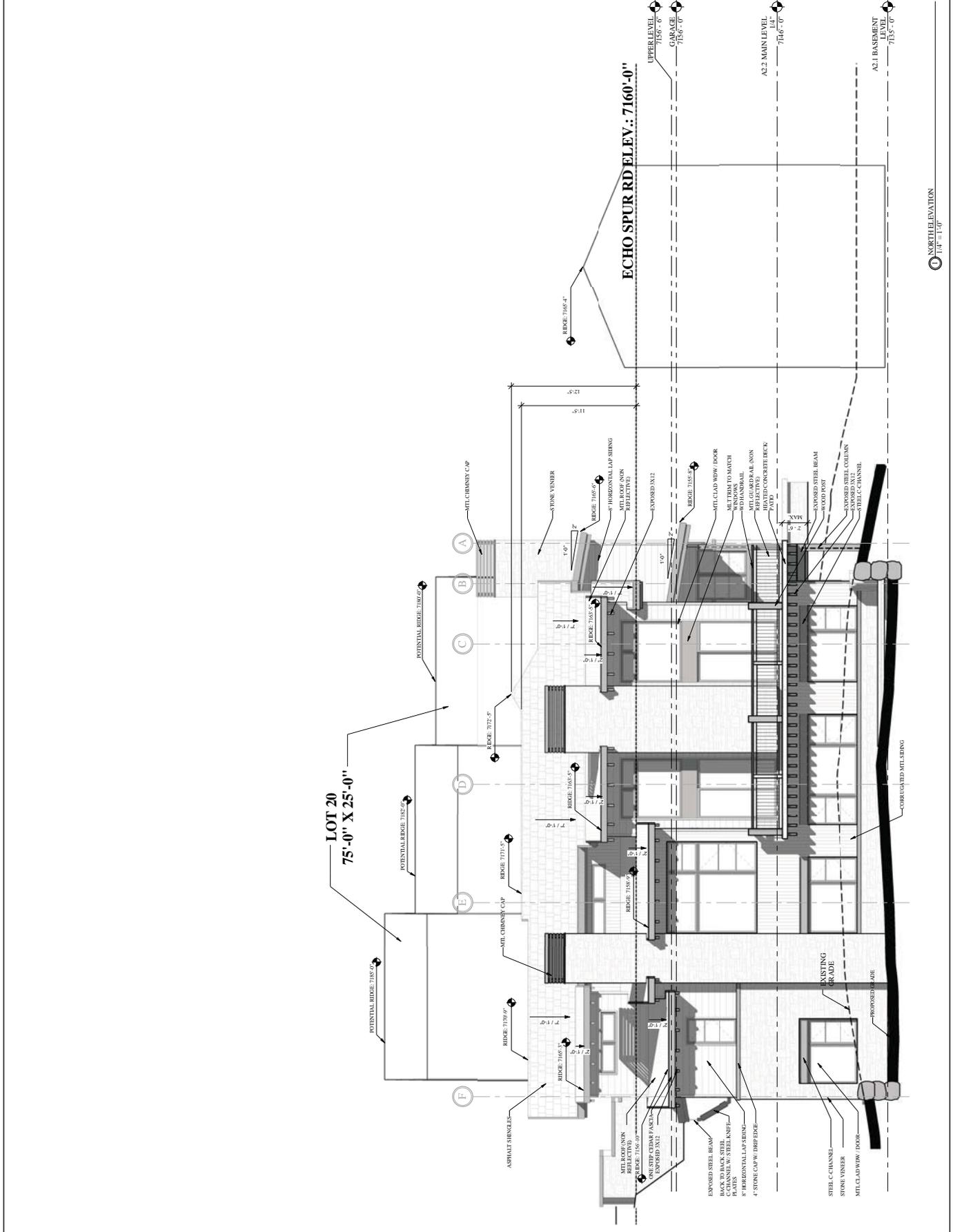
THIS DOCUMENT IS THE PROPERTY OF JAFFA GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT IS STRICTLY PROHIBITED. THE USER OF THIS DOCUMENT AGREES TO HOLD JAFFA GROUP HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DOCUMENT. THE USER OF THIS DOCUMENT AGREES TO INDEMNIFY AND HOLD JAFFA GROUP HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DOCUMENT. THE USER OF THIS DOCUMENT AGREES TO INDEMNIFY AND HOLD JAFFA GROUP HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DOCUMENT.

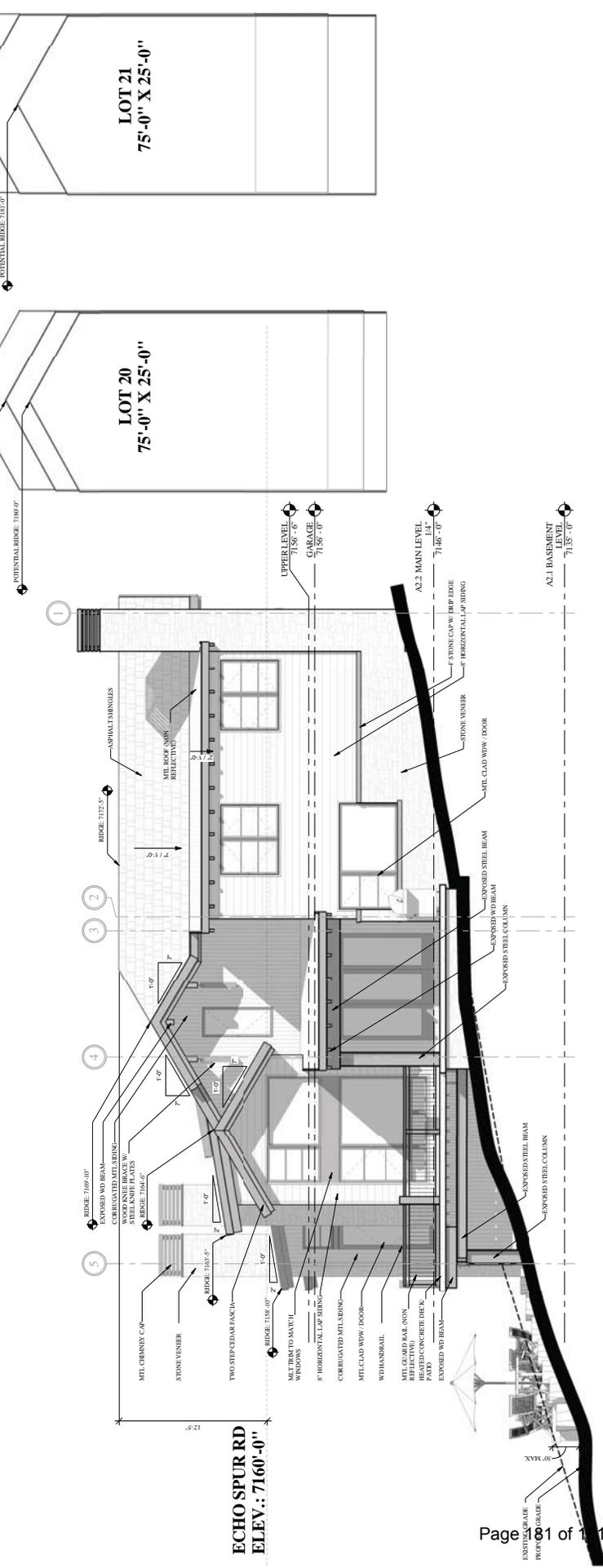
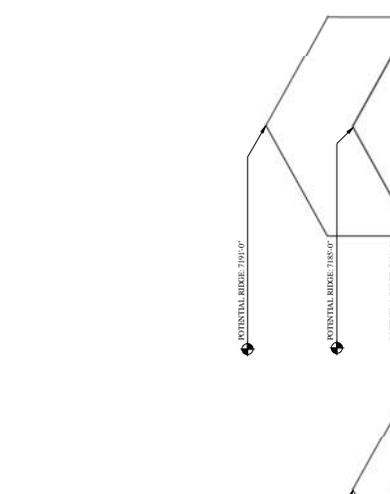
**ECHO SPUR**  
 489 MCHEVRY AVE. PARK CITY, UT  
 LOT 17-19  
 DEVELOPMENT/ECHO SPUR  
 PL-17-19

REVISION SCHEDULE

DRAWN BY: AUTHOR  
 PROJECT: 1500 EAST LANSING AVENUE  
 DATE: 05/15/13 1:38:35 PM  
 SCALE: 1/4" = 1'-0"  
**EXTERIOR ELEVATIONS**

**A3.2**





WEST ELEVATION  
1/4" = 1'-0"